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# STATUTORY ORDERS AND REGULATIONS

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CONSOLIDATION, 1949

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## VOLUME V

Appendices I to III

and

General Index

517266

30.1.51

Published under authority of  
The Statutory Orders and Regulations Order, 1949  
(Order in Council P.C. 3605 of 20th July 1949).

OTTAWA  
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
KING'S PRINTER AND CONTROLLER OF STATIONERY  
1950

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## APPENDIX I

### THE CONTINUATION OF TRANSITIONAL MEASURES ACT, 1947

Orders and Regulations made under the *War Measures Act* and *The National Emergency Transitional Powers Act, 1945*, and continued in force by *The Continuation of Transitional Measures Act, 1947*.

NOTE:—This Appendix contains only those orders and regulations that were in effect on the 31st day of December, 1949, by virtue of *The Continuation of Transitional Measures Act, 1947*.

A. WARTIME PRICES AND TRADE BOARD

B. DEPARTMENT OF JUSTICE

C. DEPARTMENT OF RECONSTRUCTION AND SUPPLY

#### A. Wartime Prices and Trade Board:

*Part I: Orders in Council relative to the Wartime Prices and Trade Board, the Commodity Prices Stabilization Corporation and the Canadian Sugar Stabilization Corporation.*

*Part II: Orders of the Wartime Prices and Trade Board.*

*Part III: Administrator's Order A-2516.*

These Parts contain:

- (a) those Orders in Council relative to the Wartime Prices and Trade Board, the Commodity Prices Stabilization Corporation Ltd., and the Canadian Sugar Stabilization Corporation, which on the 31st December, 1949, were still in force, consolidated as amended;
- (b) all the Orders of the Wartime Prices and Trade Board which on the 31st December, 1949, were still in force, consolidated as amended, with the exception of
  - (i) those Orders which merely revoke Orders
  - (ii) amending Orders (as they are consolidated with the Orders which they amend); and
  - (iii) Board Orders Nos. 7 and 33 and the Orders applying the provisions of said Board Orders 7 and 33 to areas listed in the appendix to Board Order 294 as amended.

The Orders so excepted may be found as originally published, in *Canadian War Orders and Regulations* or in Part II of the *Canada Gazette*.

**PART I**

Orders in Council relative to the Wartime Prices and Trade Board, the Commodity Prices Stabilization Corporation Ltd., and the Canadian Sugar Stabilization Corporation, which on the 31st December, 1949, were still in force, consolidated as amended;

- 1. Wartime Prices and Trade Regulations*
- 2. Wartime Leasehold Regulations*
- 3. Regulations respecting Commodity Prices Stabilization Corporation*
- 4. Government Employees Compensation Act extended to certain Crown Companies*
- 5. Consolidated Supplementary Regulations respecting Wartime Prices and Trade Board*
- 6. Respecting Canadian Sugar Stabilization Corporation*

**1. Order in Council establishing The Wartime Prices and Trade Regulations****OFFICE CONSOLIDATION**

P.C. 8528 of November 1, 1941

**AS AMENDED BY**

P.C. 8762 of November 10, 1941  
P.C. 8837 of November 13, 1941  
P.C. 9030 of November 19, 1941  
P.C. 5092 of June 15, 1942  
P.C. 5109 of June 16, 1942  
P.C. 10277 of November 10, 1942  
P.C. 11595 of December 22, 1942  
P.C. 3206 of April 22, 1943  
P.C. 6808 of August 30, 1943  
P.C. 6242 of August 18, 1944  
P.C. 8910 of November 24, 1944  
P.C. 385 of January 18, 1945  
P.C. 4410 of June 22, 1945  
P.C. 60 of January 7, 1947  
P.C. 392 of January 31, 1947, and  
Statutes of Canada, 1947, chap. 16.

Whereas by Order in Council P.C. 2516 of the 3rd day of September, 1939, the Wartime Prices and Trade Board was constituted and the Wartime Prices and Trade Board Regulations were made and established to provide safeguards under war conditions against any undue enhancement in the prices of food, fuel and other necessities of life, and to ensure an adequate supply and equitable distribution of such commodities;

And whereas by Order in Council P.C. 3998 of the 5th day of December, 1939, the said Regulations were amended and consolidated;

And whereas by amendment of section 88 (a) of the Special War Revenue Act and by Order in Council P.C. 7373 of the 13th day of



**A.—Wartime Prices and Trade Board—continued**

December, 1940, the provisions of such Regulations were extended and made to apply to the jurisdiction respectively conferred upon the Board in respect of the War Exchange Tax of 10 per cent on the value for duty of imported goods and in respect of goods specified in Schedules One and Two to the War Exchange Conservation Act, 1940.

And whereas by Order in Council P.C. 6834 of the 28th day of August, 1941, the said Regulations were amended and consolidated, extending the jurisdiction of the Board to goods and services, providing that public control of the prices of goods and services should be exercised by or with the concurrence of the Board, and making provision for co-ordination with the Wartime Industries Control Board and Controllers appointed on the recommendation of the Minister of Munitions and Supply and for co-operation with other governmental departments and agencies;

And whereas by Order in Council P.C. 8527 of the 1st November, 1941, the Maximum Prices Regulations were made and established, to be administered by the Board under powers conferred by the Wartime Prices and Trade Regulations and, in order that the Board may more effectually perform its duties, it is deemed advisable that additional powers be conferred upon it, and that the latter Regulations be strengthened in some respects;

And whereas it is deemed advisable to consolidate the Regulations as amended and, to that end, to rescind such Regulations and to make and establish in substitution therefor the Regulations hereinafter set forth;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, and under and by virtue of the powers conferred on the Governor General in Council by the War Measures Act, chapter 206, Revised Statutes of Canada, 1927 and otherwise, is pleased to order and doth hereby order as follows:

1. The Wartime Prices and Trade Board Regulations made by Order in Council P.C. 6834 of the 28th day of August, 1941, are hereby rescinded.

2. The Regulations hereinafter set forth are hereby made, established and substituted for the Regulations hereby rescinded.

3. The powers of the Wartime Prices and Trade Board and the provisions of the Regulations referred to in section 88 (a) of the Special War Revenue Act and in Order in Council P.C. 7373 of the 13th day of December, 1940, shall be held and construed to be those contained in the Regulations hereby made and established.

EMERGENCY REGULATIONS RESPECTING GOODS AND SERVICES

*Title*

1. These regulations and any amendment or addition thereto may be cited as The Wartime Prices and Trade Regulations.

*Interpretation*

2. (1) For the purposes of these regulations, unless the context otherwise requires,

(a) "Administrator" means any person appointed by the Board as a Co-ordinator or Administrator and includes a Deputy Co-ordinator and Deputy Administrator similarly appointed;

(b) "basic period" means the four weeks from September 15, 1941, to October 11, 1941, both inclusive;

**A.—Wartime Prices and Trade Board—continued**

- (c) “Board” means the Wartime Prices and Trade Board;
- (d) “Chairman” means the Chairman or a Deputy Chairman of the Board and includes an Acting Chairman;
- (e) “goods” include any articles, commodities, substances or things;
- (f) “licence” means a licence granted or issued by the Board under these regulations;
- (g) “markup” means the amount added to the cost price in figuring a selling price to cover overhead and profits;
- (h) “member” means a member of the Board;
- (i) “Minister” means the Minister of Finance;
- (j) “offence under these regulations” means any contravention of or failure to observe any of these regulations or any order;
- (k) “order” means and includes any general or specific order, requirement, direction, instruction, prescription, prohibition, restriction or limitation heretofore or hereafter made or issued in writing by or on behalf of or under authority of the Board in pursuance of any power conferred by or under these regulations or any other Order in Council or Act of Parliament or concurred in by the Board or chairman pursuant to these regulations;
- (l) “price” includes the price of goods and the rate, rental or charge for the hire or use of any goods or for the supplying of any services;
- (m) “regulation” means any of these regulations and any amendment or addition thereto;
- (n) “sale” includes sales, leases, consignments, exchanges and other transfers or dispositions of goods, the supplying or performing of services, and contracts for any of the foregoing; and the words “sell”, “seller”, “buy”, “buyer” and “purchase” shall each have a similarly extended meaning;
- (o) “Secretary” means the Secretary or Assistant-Secretary of the Board;
- (p) “services” means the following specified services and any activities or undertakings associated therewith or ancillary thereto, and also any activities or undertakings that may hereafter be designated by the Board as services for the purposes of these regulations;
  - (i) the transportation of goods;
  - (ii) warehousing and storage;
  - (iii) laundering, cleaning, tailoring and dressmaking;
  - (iv) hairdressing and beauty parlour services;
  - (v) the supplying of meals, refreshments and beverages;
  - (vi) the renting and exhibiting of moving pictures;
  - (vii) manufacturing processes performed on a custom or commission basis;
  - (viii) the dyeing of furs; the dressing of furs;
  - (ix) the slaughtering or dressing of animals or poultry on a custom or commission basis;
  - (x) the breaking and separating of eggs on a custom or commission basis;
  - (xi) the pasteurizing of honey on a custom or commission basis;
  - (xii) the packing or packaging of any goods on a custom or commission basis;

**A.—Wartime Prices and Trade Board—*continued***

(xiii) the drying of any goods on a custom or commission basis; and the Board may specify any activity or undertaking as one that shall be deemed to be associated with or ancillary to any service specified in or designated under clause (p) or to be or be included in a service so specified or designated.

(2) All provisions of the Criminal Code relating to search warrants shall extend to and be applicable in respect of every offence under these regulations that has been or is suspected to have been committed.

(3) Unless and until action is taken by or on behalf of or under authority of the Board which conflicts with action taken by an authority heretofore or hereafter properly constituted under or pursuant to a statute of the Dominion of Canada or of a province or regulation made thereunder, these regulations shall not be construed as superseding such Dominion or provincial statute or regulations; provided that, subject to the powers of the Board to exempt any person or any goods or services or any transaction wholly or partly from the provisions of these regulations, no such authority shall fix or approve the specific or the maximum or the minimum price or markup at which any goods or services may be sold, offered for sale or supplied, or fix or limit, or approve the fixing or limiting of, the quantities of goods or of services that may be sold, supplied or distributed except with the written concurrence of the Board unless that concurrence has been expressly dispensed with by Parliament or by order of the Governor in Council; and provided further that, in the absence of such concurrence, any action heretofore taken or that may hereafter be taken by any such authority which is repugnant to any of these regulations or to any action by or on behalf of or under authority of the Board shall be of no effect so long as and to the extent that it is so repugnant.

(4) In the event of any conflict between these regulations or any order and any law in force in any part of Canada, the provisions of these regulations or of such order shall prevail except in respect of an Act of Parliament passed after the 31st of January, 1947.

(5) Subject to any action taken by the Governor in Council after November 1, 1941, His Majesty in right of Canada or of any province of Canada shall be bound by the provisions of these regulations and of any order.

(6) Expressions used in any order shall, unless a contrary intention appears, have the same meaning as corresponding expressions in these regulations.

*Wartime Prices and Trade Board*

**3.** (1) There shall be a Board, to be called the Wartime Prices and Trade Board, consisting of,—

(a) the Chairman and any Deputy Chairman appointed from time to time by the Governor in Council,

(b) members appointed from time to time by the Governor in Council, to hold office during pleasure: provided that any member who is unable to attend a meeting of the Board may be represented thereat by any person designated by him and such person shall be deemed to be a member for the purposes of such meeting; and provided further that, during the absence of the Chairman and Deputy Chairman, the Board may appoint one of its members as Acting Chairman.



**A.—Wartime Prices and Trade Board—continued**

(2) The Board may establish at any place or places in Canada such office or offices as are required for the discharge of the duties of the Board, and may provide therefor the necessary accommodation, stationery and equipment.

(3) In order to assist the Board in the performance of its duties, the Board may, whenever it deems it necessary (a) to appoint, with the approval of the Governor in Council or the Civil Service Commission, any person to any office under any title, and every person so appointed shall receive such remuneration as the Board may determine with such approval: provided that any person so appointed may thereafter be appointed by the Board without additional remuneration to such other office under such other title as the Board may determine, and (b) appoint any person to any office under any title without remuneration other than reimbursement of his actual transportation, living and other out-of-pocket expenses incurred in connection with the performance of his duties.

(4) The Board may exercise its powers by order or otherwise and may from time to time delegate to any person and authorize him to exercise from time to time such of the powers of the Board on such terms as the Board deems proper and the signature or counter-signature by the Chairman of any order purporting to have been made by such person under authority of the Board shall be conclusive evidence of such authority, but nothing in these regulations shall be construed as requiring such signature or counter-signature.

(5) The Board may by agreement borrow the services of persons employed in any department or agency of the Government or employed by any company or individual, and may pay remuneration to such persons or reimburse their employer for all or part of their remuneration by way of specific payments or lump sum payments or otherwise in such amount as may be approved by the Governor in Council.

(6) The Board shall hold its sessions and conduct its business and proceedings in such manner as may seem to it most convenient for the speedy and efficient discharge of its duties and may make such rules as may seem expedient for the conduct of its proceedings not inconsistent with the provisions of these regulations.

**(7) In any proceedings in any Court,**

- (i) any documents certified by the Chairman or Secretary to be a true copy of the minutes of any meeting of the Board or of any extract therefrom shall be received as conclusive evidence that any transaction or decision therein recorded was made or taken;
- (ii) any order, licence or other document purporting to be made or issued by or on behalf of or under authority of the Board shall, if signed or countersigned by the Chairman or the Secretary, be received as conclusive evidence that such order, licence or other document was so made or issued;
- (iii) any document certified by the Chairman or Secretary to be a true copy of any order, licence or other document made or issued by or on behalf of or under authority of the Board shall be received as conclusive evidence that such order, licence, or other document was so made or issued;

**A.—Wartime Prices and Trade Board—continued**

- (iv) any document purporting to be signed or countersigned by the Chairman or Secretary of the Board shall be received in evidence without proof of the signature or official character of the Chairman or the Secretary as the case may be;
  - (v) evidence of any order or other document may be given by the production of a copy thereof purporting to be printed by the King's Printer for Canada but nothing herein contained shall require proof thereof by such mode.
  - (vi) the affidavit of an Administrator or other official of the Board sworn before any commissioner or other person authorized to administer oaths, that he has knowledge of the facts, that he is such Administrator or official and that an annexed document is a true copy of an order, form or other document made, issued or prescribed by him or by his predecessor in office under authority of the Board, shall be received as *prima facie* evidence that he is such Administrator or official and that such order, form or other document was so made, issued or prescribed by him or by his predecessor in office under the authority of the Board; and such affidavit shall be received without proof of the signature or official character of such Administrator or official and without proof of the signature or official character of the person before whom such affidavit was sworn.
  - (vii) a certificate signed by the Chairman or the Secretary stating that a document therein described was concurred in by or on behalf of or under authority of the Board shall be received as conclusive evidence that concurrence in such document was given by the Board.
- (8) Any five members of the Board shall constitute a quorum.
- (9) All expenses lawfully incurred under these regulations, including travelling expenses of the members of the Board, shall be payable out of moneys provided by Parliament.

*Powers of the Board*

**4. (1) The Board shall have power**

- (a) to investigate, of its own motion or on complaint, costs, prices, profits and stocks of goods and materials of any person engaged in the manufacture, importation, exportation, production, storage, transportation, supply or sale of any goods or services or any alleged or apparent offence under these regulations, and for the purpose of any such investigation the Board shall have all the powers of a commissioner appointed under the provisions of the Inquiries Act;
- (b) to enter any premises and to inspect and examine any or all books, records and stocks of goods and materials in the possession or control of any person and to require any such person to produce such books and records at any place before it or before any person appointed by it to investigate, and to take possession of and remove any or all of such books and records;
- (c) to require from time to time any person who manufactures, imports, exports, produces, stores, supplies, sells, buys, acquires or

**A.—Wartime Prices and Trade Board—continued**

accumulates any goods or services to furnish in such form and within such time as the Board may prescribe written returns under oath or affirmation showing such information as the Board may consider necessary with respect to such goods or services;

- (d) to make public its findings or report in the case of any investigation or to withhold such publication if it considers the public interest would be better served by such withholding;
- (e) to refer to the Attorney General of any province information respecting any alleged offence under these regulations;
- (f) to fix specific or maximum or minimum prices or specific or maximum or minimum markups at which any goods or services may be sold or offered for sale by or to any person; to prescribe the manner in which any such price or markup shall be ascertained; to prescribe what shall constitute or be included in any price or markup; to prohibit purchase or sale at prices which are at variance with the prices or markups so fixed or prescribed; and to require any person to refund to any other person any amount received or collected in excess of any price or markup fixed by these regulations or by or under the provisions of any order; and, in any case in which any person, at any time after an order is made by which he is prohibited from selling any goods or services before the maximum price or maximum markup at which he may sell such goods or services has been fixed by or under authority of the Board, has sold or sells any such goods or services in contravention of such order, the Board shall have power to require such person to refund to the buyer of those goods or services the amount whereby the price at which such person sold such goods or services exceeds the maximum price at which he may sell such goods or services that is fixed by or under authority of the Board subsequent to such sale;
- (g) to prescribe the terms and conditions upon which, and the manner and circumstances in which, any goods or services may be produced, manufactured, extracted, refined, processed, stored, transported, purchased, sold, offered for sale, supplied, assembled, installed, constructed, distributed, exhibited, advertised, delivered, used, or dealt in or with, either generally or by specified persons, and to prohibit transactions and acts not in accordance therewith;
- (h) to require any person to obtain licences or permits from the Board or from any person specified by the Board; to prescribe the terms and conditions under which and the manner and circumstances in which such licences or permits or amendment thereof shall be obtained; to issue, re-issue or refuse to issue licences or permits or amendment thereof to any persons; to grant general licences or permits; provided, however, that the issue to any person of a licence or permit shall not be deemed to affect the liability of such person to obtain a licence or permit as required by any other statute or law of Canada or any province thereof;
- (i) to amend, suspend or cancel any licence or permit issued or granted;
- (j) to prescribe the quantities of, the manner in which, and the terms and conditions under which, any goods or services may be bought, sold, supplied, distributed, delivered or used within prescribed



**A.—Wartime Prices and Trade Board—continued**

periods of time and to prohibit purchase, sale, supply, distribution, delivery or use except in accordance with such prescription;

- (k) to require any person owning or having possession, control or power to dispose of any goods or services to deal with, use, dispose of or supply any such goods or services, in such manner as may be prescribed by the Board; and no use, disposition or supply of any such goods or services in accordance with such manner shall constitute infringement of any mark, design or other private or proprietary right;
- (l) to require any person producing, manufacturing, extracting, refining, processing, storing, transporting, importing, supplying, assembling, installing, constructing, purchasing, selling, distributing, delivering, using or dealing in any goods or services to produce, manufacture, process, extract, refine, store, transport, supply, assemble, install, construct, purchase, sell, distribute, deliver, use or otherwise deal with any such goods or services, in such manner and in such priority to any other business of that person as may be specified by the Board;
- (m) to seize as evidence any goods in regard to which an offence under these regulations has been or is suspected to have been committed.

(2) Nothing contained in Order in Council P.C. 3238 of the 22nd day of May, 1944, shall be deemed to derogate from any power conferred by or under these Regulations and sections 2, 3 and 4 of such Order in Council shall not apply to any information obtained in any manner under the authority of these Regulations or of any order, but shall only apply to information furnished pursuant to any requirement or request made expressly under the authority of that Order in Council.

5. Any person authorized by the Board so to do shall have power to administer oaths and declarations in respect of any affidavit or statutory declaration required to be furnished under the authority of these regulations.

6. In the exercise of its powers conferred by these regulations or otherwise, the Board shall be responsible to the Minister and, whenever any directions are given by the Minister, all action taken by the Board shall be in accordance with such directions.

*Maximum Prices*

7. (1) Subject to any lower price that may be required by the operation of the provisions of subsection (1) of section 8 of these regulations, no person shall on or after December 1, 1941, sell or offer to sell any goods or services at a price that is higher than the maximum price for such goods or services pursuant to these regulations; but nothing in this section shall be construed so as to prevent any person from selling or offering to sell any goods or services at a price lower than the maximum price.

(2) The highest lawful price at which any person sold any goods or services during the basic period shall be the maximum price at which such person may sell or offer to sell goods or services of the same kind and quality; provided, however, that the provisions of this subsection



**A.—Wartime Prices and Trade Board—*continued***

shall not apply so as to supersede or vary any specific or maximum or minimum price fixed prior to December 1, 1941, by or on behalf of or under authority of the Board, or fixed or approved prior to December 1, 1941, by any other federal, provincial, or other authority with the written concurrence of the Board, nor so as to fix any maximum price with respect to

- (a) any sale of goods for export where such export is made by the seller or his agent;
- (b) the sale by any person of his personal or household effects;
- (c) isolated sales of goods or services to any person not in the business of selling such goods or services;
- (d) bills of exchange, securities, title deeds and other similar instruments;
- (e) sales of goods by auction in cases where such procedure is the normal practice and is followed in good faith and without any intention of evading or attempting to evade the provisions of these regulations or of any order.

(3) Wherever any maximum price has been fixed for any goods or services by reference to the price at which goods or services of the same kind and quality were sold by a seller during a specified period or on a specified date, such maximum price shall also be the maximum price at which the same seller may sell or offer to sell goods or services of a substantially similar kind and quality not sold by him during such period or on such date; and in any case in which the question arises as to the lawful price for any such goods or services the onus of proving the existence and extent of any relevant and substantial similarity or dissimilarity alleged by the seller shall be upon him.

(4) Wherever a maximum price has been fixed by or under these regulations for any goods or services every seller shall continue to allow any difference in price which he has during the basic period or customarily allowed to different classes of buyers or for different quantities or under different conditions of sale, and which result in a lower net price per unit of goods or services and, for the purposes of this subsection, the Board may from time to time, generally or in specific cases, prescribe what person or persons shall constitute a class, and what conditions of sale and what quantities shall entitle a purchaser to the benefit of this subsection, and what difference in price shall be allowed by the seller aforesaid.

(5) No person shall impose any terms or conditions of sale, or alter any terms or conditions of sale imposed or agreed to by such person during the basic period or customarily imposed or agreed to by such person, in such a way as directly or indirectly to increase the maximum price of any goods or services fixed by or under these regulations.

(6) For the purposes of any regulation or order if a person operates a branch of his business or otherwise operates more than one place of business, he shall, in respect of each such branch or place of business, be deemed to be a separate seller.

(7) Nothing contained in this Section shall be deemed to supersede any provision of any order or to derogate from any power conferred on the Board, and without restricting the generality of this provision, the Board may vary any maximum price, may concur in any variation of a maximum price, may prescribe other or additional terms or conditions of

**A.—Wartime Prices and Trade Board—continued**

sale, may exempt any person or any goods or services or any transaction wholly or partly from the provisions of these regulations, and may withdraw any such exemption or any exemption contained in subsection (2) of this section, either generally or in specific cases and subject to such terms and conditions as the Board may prescribe.

(8) For the purposes of these regulations and of any order, any consideration, money or money's worth given or paid by the buyer to any person in connection with the purchase of any goods or of any service or received by the seller from any person in connection with the sale of any goods or of any service shall constitute part of the price.

*Offences, Penalties and Prosecutions*

**8.** (1) No person shall sell or offer for sale or supply any goods or services at a price that is higher than is reasonable and just, or withhold any goods or services from sale or supply for a price that is higher than is reasonable and just and, in any case where a person engaged in business accused under this provision has not kept such books of account as are necessary to exhibit or explain his transactions, the onus shall be upon such accused person to establish that the price is reasonable and just; provided that if a specific or maximum price has been fixed by the Governor in Council or has been fixed or concurred in by or on behalf of or under authority of the Board for the sale or supply of such goods or services, any price in excess of the price so fixed or concurred in shall be conclusively deemed to be higher than is reasonable and just; and provided further that if a specific or maximum markup has been fixed or concurred in by or on behalf of or under authority of the Board for the sale or supply of such goods or services, any price which includes a markup in excess of the markup so fixed or concurred in shall be conclusively deemed to be higher than is reasonable and just.

(2) No person shall sell or supply or offer for sale or supply any goods or services at a price that is higher than a maximum or specific price or lower than a minimum or specific price which has been fixed by these regulations or fixed by or on behalf of or under authority of the Board or concurred in by the Board, or at a price that includes a markup greater than a maximum or specific markup or less than a minimum or specific markup which has been fixed by or on behalf of or under authority of the Board, or concurred in by the Board.

(3) No person shall

(a) acquire, accumulate or withhold from sale any goods beyond an amount which is reasonably required for the ordinary purposes of his business or beyond such amount, if any, as the Board may prescribe; or

(b) acquire or accumulate any goods beyond an amount which is reasonably required for the use or consumption of himself and his household or beyond such amount, if any, as the Board may prescribe.

(4) No person shall in any manner impede or prevent or attempt to impede or prevent any investigation or examination instituted by the Board.

(5) No manufacturer, importer, exporter, producer, wholesaler, jobber, retailer, supplier or other dealer shall sell, supply or offer for sale or supply,

**A.—Wartime Prices and Trade Board—continued**

or ship, distribute or deal in any goods or services in respect of which a licence or permit is required or granted unless he has a licence or permit from the Board which is in full force and effect.

(6) No person shall, with intent to evade the provisions of these regulations or of any Order, destroy, mutilate, deface, alter, secrete or remove any books, records, or property of any kind.

(7) No person shall make any misrepresentation or false statement to or for the use or information of the Board or any member, employee or agent thereof or any officer of customs or excise or any police officer or any other person concerned in the administration of these regulations or of any order, with reference to any matter affected by these regulations or such order.

(8) No person shall buy or pay for or offer to buy or pay for any goods or services at a price which he knows or has reason to believe is higher than is reasonable and just or higher than the maximum price which may lawfully be charged by the seller or supplier of such goods or services pursuant to these regulations, or is lower than the minimum price (if any) which may lawfully be accepted by the seller or supplier, or is different from the specific price (if any) for such goods or services pursuant to these regulations.

(9) No person shall attempt to commit or aid, abet, counsel or procure the commission of any offence under these regulations, or conspire with any other person by any means whatsoever to commit an offence under these regulations, or enter into any transaction or arrangement designed for the purpose or having the effect of evading any regulation or order.

(10) No person shall make, issue or exhibit as being correct any false invoice, false sales slip or other false record or false account respecting any sale or purchase of any goods or services affected by these regulations or by any order.

9. (1) Any person who contravenes or fails to observe any regulation or order shall be guilty of an offence and liable upon summary conviction under Part XV of the Criminal Code or, if the Attorney General of Canada or of any province so directs, upon indictment, to a penalty not exceeding five thousand dollars or to imprisonment for any term not exceeding two years or to both such fine and such imprisonment; and any director or officer of any company or corporation who assents to or acquiesces in any such offence by such company or corporation shall be guilty of such offence personally and cumulatively with the said company or corporation.

(2) In any proceedings upon summary conviction, any charge may include several offences against any regulation or order committed by the same person and any number of charges against such person may be included in one and the same information; and all such charges may be tried concurrently and one conviction for any or all of such offences may be made, which conviction may but need not provide a separate penalty for each such offence.

10. (1) No person shall be prosecuted for an offence under these regulations except with the written leave of the Board or of the Attorney General of any province; provided

(a) that a person may be arrested for such an offence, and that a warrant may be issued and executed for a person's arrest for such an offence, and that information may be laid charging a person



**A.—Wartime Prices and Trade Board—*continued***

with such an offence, and that a person charged with an offence under these regulations may be remanded in custody or on bail before such written leave has been issued; but no further proceedings shall be taken until such written leave has been obtained; and

- (b) that the written leave required by this section shall be sufficient if it purports to be signed by the Attorney General of any province or on behalf of the Board and if it is in the following form: "Leave is hereby given that proceedings be instituted within three months from the date hereof against..... for an offence or offences under the Wartime Prices and Trade Regulations."

(2) A prosecution under Part XV of the Criminal Code for any offence under these regulations may be commenced at any time within twelve months from the time of its commission.

**11.** (1) Where any person is charged with an offence under these regulations, it shall not be necessary for the prosecuting authority to establish that the person so charged did not possess or had not been granted a licence or had not been exempted from the relative provisions of these regulations or of any order or had not received the permission of the Board for any act or omission and if the person so charged pleads or alleges that he had or had been granted any such licence or had been so exempted or had received such permission the burden of proof thereof shall be on the person so charged.

(2) For the purposes of the prosecution of a person for an offence under these regulations the offence shall be deemed to have been committed either at the place where it was actually committed or at any place in Canada in which the offender resides or carries on business or is found or apprehended or is in custody.

(3) In any proceedings for an offence under these regulations,

- (a) where the price at which any sale of goods or services was made by or on behalf of the accused during any period or on any date (with reference to which period or date a maximum price for such goods or services has been fixed by these regulations or by or under any order) is proved on behalf of the prosecution, such price shall, unless and until the accused proves the contrary, be deemed to be the highest lawful price at which goods or services of the same kind and quality were sold by or on behalf of the accused during such period or on such date;
- (b) if the prosecution proves that any goods or services were sold or offered for sale by or on behalf of the accused after December 1, 1941, and if, after an investigation by or under the authority of the Board, an investigator testifies that to the best of his knowledge and belief goods or services of the same or substantially similar kind and quality were sold or offered for sale by or on behalf of the accused during any period or on any date with reference to which period or date a maximum price for such goods or services has been fixed by these regulations or by or under any order, the goods or services so sold or offered for sale, shall unless and until the accused proves the contrary, be deemed to be of the same or substantially similar kind and quality;
- (c) if the prosecution proves that any goods or services were sold or offered for sale by or on behalf of the accused after December 1, 1941, and if, after an investigation by or under the authority of the



**A.—Wartime Prices and Trade Board—continued**

Board, an investigator testifies that to the best of his knowledge and belief goods or services sold or offered for sale by or on behalf of the accused during any period or on any date with reference to which period or date a maximum price for such goods and services has been fixed by these regulations or by or under any order, and represented by the accused to be of the same or substantially similar kind and quality, were not of the same or substantially similar kind and quality, then the goods or services so sold or offered for sale shall, unless and until the accused proves the contrary, be deemed to be not of the same or substantially similar kind and quality;

- (d) the original or a copy of any sales slip, charge slip, invoice, voucher, book of account, bill, monthly statement, or other document whatsoever, which is proved on behalf of the prosecution to have been found in or produced from the possession of the accused or his agent or to have been issued by him or his agent, and which records or purports to record the price, date, subject-matter or other particulars of a sale or purchase shall be *prima facie* evidence that a sale or purchase as indicated therein was made by or on behalf of the accused;
- (e) the original or a copy of any catalogue, pricelist, handbill, circular letter, pamphlet, card, poster, price-tag or price-marking, letter of quotation, tender, advertisement or other document whatsoever, which is proved on behalf of the prosecution to have been found in or produced from the possession of the accused or his agent or to have been issued or published by or on behalf of the accused, and which records or purports to record the price, date, subject-matter, or other particulars of an offer to sell, shall be *prima facie* evidence that an offer to sell as indicated therein was made by or on behalf of the accused;
- (f) proof of an invitation for offers to buy shall be proof of an offer to sell;
- (g) where the accused is charged with having sold or offered for sale goods or services at a price exceeding the maximum price fixed therefor by these regulations or by or under any order, proof of the price at which and the day on which the accused sold or offered for sale such goods or services and that the accused upon demand failed to produce for inspection books or records which established that such price on such day was lawful is *prima facie* proof that the price at which he so sold or offered for sale such goods or services was in excess of the maximum price fixed by these regulations or by or under any order;
- (h) where the accused is charged with having sold or offered for sale goods or services the maximum price for which on sales by him had not been fixed by these regulations or by or under any order, proof of the price at which and the day on which the accused sold or offered for sale such goods or services and that the accused upon demand failed to produce for inspection books or records which established that such price on such day was lawful is *prima facie* proof that a maximum price at which he could lawfully sell such goods or services on such day had not been fixed by these regulations or by or under any order.

(4) Where by any regulation or order provision is made for any person to file, forward or deliver any document with or to the Board or an

**A.—Wartime Prices and Trade Board—continued**

Administrator or any office or officer of the Board, an affidavit of an officer or other employee of the Board, sworn before any commissioner or other person authorized to administer oaths, that he has charge of the appropriate records and that after careful examination and search of such records he has been unable to find in any given case that any such document has been filed with or received by him, shall be received as *prima facie* evidence that in such case no such document was so filed, forwarded or delivered.

(5) In any Court, the affidavit of an officer or employee of the Board, sworn before any commissioner or other person authorized to administer oaths, that he has charge of the appropriate records and that an annexed document is a document or true copy of a document filed with or received by the Board or an Administrator or any office or officer of the Board, shall be received as *prima facie* evidence that such document has been so filed or received.

(6) Evidence of the exclusive authority of any person or persons to print any document for obtaining any rationed goods under an order may be given by the affidavit of the King's Printer for Canada or of the Controller of Purchases in the Department of Public Printing and Stationery.

(7) Where evidence is offered by affidavit pursuant to the provisions of subsection (4), (5) or (6) of this section, it shall not be necessary to prove the official character of the person making the affidavit if that information is set forth in the affidavit, nor shall it be necessary to prove the signature of such person or to prove the signature or official character of the person before whom such affidavit was sworn.

12. Every provision of the Interpretation Act shall extend and apply to every order published or printed in the *Canada Gazette* or *Canadian War Orders and Regulations* or *Statutory Orders and Regulations* or in any extra thereof or extract therefrom purporting to have been printed by the King's Printer for Canada, but nothing herein contained shall be construed as requiring such publication or printing.

13. Unless exempted by the Board, every person carrying on business who engages in any transactions which are affected by the provisions of these regulations or of any order shall keep books of account and other records thereof in Canada (unless the Board expressly permits the same to be kept outside Canada) showing clearly and fully the nature of such transactions, and in particular every person who sells or supplies or offers for sale or supply any goods or services shall keep adequate books of account and other records available for inspection showing clearly and correctly his prices and terms and conditions of sale.

14. No person shall have any right to enforce or receive payment of more than the amount of any specific or maximum price prescribed under these regulations or fixed by or under authority of the Board\* or concurred in by the Board, and any person who pays any greater amount may recover the excess notwithstanding that such person may have been guilty of an offence in so paying such greater amount.

15. (1) No member of the Board, Administrator or other person employed or appointed by the Board or acting on behalf of or under the authority of the Board shall be liable for any act or omission in the exercise or performance or purported exercise or performance, in good faith and on reasonable grounds, of any power, discretion, authority or duty conferred or imposed by or under these regulations.

**A.—Wartime Prices and Trade Board—continued**

(2) No proceedings by way of injunction, mandatory order, mandamus, prohibition or certiorari, shall be instituted against any member of the Board, Administrator or other person employed or appointed by the Board, or acting on behalf of or under the authority of the Board for or in respect of any act or omission of himself or any other person in the exercise or purported exercise of any power, discretion or authority or in the performance or purported performance of any duty conferred or imposed by or under these regulations or otherwise heretofore conferred or imposed by the Governor in Council.

(3) Where any person fails, by reason of his compliance with these regulations or any order, to perform or fulfil any contract or other obligation heretofore or hereafter made, proof of such compliance shall be a good and complete defence to any action or proceeding in respect of such failure.

16. The Board shall report to the Minister as and when required to do so by the Minister.

17. Any reference heretofore or hereafter made in any law or document to The Maximum Prices Regulations or any Section thereof shall be construed, *mutatis mutandis*, as a reference to Section 7 of these regulations.

**2. Order in Council Establishing the Wartime Leasehold Regulations****OFFICE CONSOLIDATION**

P.C. 9029 of November 21, 1941

**AS AMENDED BY**

P.C. 3366 of April 24, 1942

P.C. 8973 of October 1, 1942

P.C. 3207 of April 22, 1943

P.C. 7570 of October 1, 1943

P.C. 6234 of August 8, 1944

P.C. 386 of January 18, 1945

P.C. 4409 of June 22, 1945

P.C. 5234 of December 23, 1946 and

P.C. 391 of January 31, 1947

Whereas by Order in Council, P.C. 3998 of the 5th day of December, 1939, the Wartime Prices and Trade Board Regulations respecting necessities of life were made and established and, by Order in Council P.C. 4616 of the 11th day of September, 1940, the provisions of such Regulations were extended to rentals and housing accommodation;

And Whereas by Order in Council P.C. 5003 of the 24th day of September, 1940, approval was given to the exercise by the Board of its power to fix maximum rentals, and to the appointment of the Rentals Administrator by the Board, and additional powers were conferred on the Board in respect of housing accommodation;

And whereas, pursuant to the aforesaid powers, the Board made various orders respecting the rental of housing accommodation and termination of leases;

And whereas by Order in Council P.C. 6701 of the 26th day of August, 1941, the law was declared in some respects and special provisions respecting offences, penalties and evidence were made;



**A.—Wartime Prices and Trade Board—continued**

And whereas by Order in Council P.C. 6834 of the 28th day of August, 1941, the Wartime Prices and Trade Board Regulations were rescinded and new Regulations respecting goods and services were substituted therefor;

And whereas Order in Council P.C. 8528 of the 1st day of November, 1941 rescinded said Order in Council P.C. 6834 and established in substitution therefor The Wartime Prices and Trade Regulations;

And whereas by Order in Council P.C. 8965 of the 21st day of November, 1941, the Maximum Rentals Regulations were established;

And whereas it is deemed to be expedient and in the public interest to revoke the said Orders in Council P.C. 4616 and P.C. 6701 and to make and establish consolidated regulations respecting leaseholds as hereinafter set forth;

Now, Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the powers conferred on the Governor in Council by the War Measures Act, chapter 206, Revised Statutes of Canada, 1927, is pleased to order as follows:

1. Orders in Council P.C. 4616 of the 11th day of September, 1940, and P.C. 6701 of the 26th day of August, 1941, are hereby revoked.

2. The Regulations hereinafter set forth are hereby made and established in substitution for the Orders in Council hereby revoked.

EMERGENCY REGULATIONS RESPECTING LEASEHOLD RIGHTS AND OBLIGATIONS

*Title*

1. These regulations and any amendment thereof or addition thereto may be cited as *The Wartime Leasehold Regulations*.

*Interpretation*

2. (1) For the purposes of these regulations, unless the context otherwise requires,

- (a) "Board" means the Wartime Prices and Trade Board;
- (b) "landlord" means any person who lets or sublets or grants any leave and licence for any real property, and includes a mortgagee or chargee in possession and any person entitled to possession under any judgment or order of a Court or under any statute;
- (c) "lease" means any enforceable contract for the letting or sub-letting of real property or any leave and licence for the use of real property, whether such contract or leave and licence is made orally, in writing or by deed; and the verbs "let" and "rent" shall each have a similarly extended meaning;
- (d) "member" means a member of the Board;
- (e) "Minister" means the Minister of Finance;
- (ee) "offence under these regulations" means any contravention of or failure to observe any of these regulations or any order;
- (f) "order" means and includes any general or specific order, requirement, instruction, prescription, prohibition, restriction or limitation heretofore or hereafter made or issued in writing by or on

**A.—Wartime Prices and Trade Board—*continued***

behalf of or under authority of the Board in pursuance of any power conferred by or under these regulations or any other Order in Council;

- (g) “real property” means any improved or unimproved land, any store, shop, office building, factory, warehouse, suite, office, or other place of business, hotel, inn, inn or hotel room, house, boarding house, lodging house, tourist home or cabin, apartment, flat, room or other place of dwelling, and any structure or part of a structure used for combined business and dwelling purposes, together with all out-buildings and appurtenances thereto belonging, and such heating, lighting, water, garage, janitor and other services including meals, and such plant, equipment, furniture, furnishings or facilities, as are supplied by the landlord or which the landlord expressly or impliedly agreed to supply;
- (h) “regulation” means any of these regulations and any amendment or addition thereto;
- (i) “rent” or “rental” means any payment or consideration, including any bonus, gratuity or benefit, charged, demanded, received, collected or paid per day, week, month or year or other period of time, as the case may be, for the use or occupancy of real property;
- (j) “Rentals Administrator,” “Real Property Administrator” and “Administrator of Rental Appeals” means, respectively, the person appointed as such by the Board and include, respectively, a Deputy Rentals Administrator, Deputy Real Property Administrator and Deputy Administrator of Rental Appeals similarly appointed;

(2) All provisions of the Criminal Code relating to search warrants shall extend to and be applicable in respect of every offence under these regulations that has been or is suspected to have been committed.

(3) In the event of any conflict between these regulations or any order and any law in force in any part of Canada, the provisions of these regulations or of such order shall prevail except in respect of an Act of Parliament passed after January 31, 1947.

(4) Subject to any action taken by the Governor in Council after November 21, 1941, His Majesty in right of Canada or of any province of Canada shall be bound by the provisions of these regulations and of any order.

(5) Expressions used in any order shall, unless a contrary intention appears, have the same meaning as corresponding expressions in these regulations.

**3. (1) The Board shall have power, from time to time,**

- (a) to investigate, of its own motion or on complaint, the rental at any time charged or demanded by any person for any real property, the nature and extent of any real property and any change therein, or any alleged or apparent offence against any regulation, order or requirement; and for the purpose of any such investigation, the Board shall have all the powers of a commissioner appointed under the provisions of the Inquiries Act;
- (b) to enter any premises, to inspect and examine the same and any or all books, records and documents in the possession or control of any landlord or of his agent, and to require any such person to produce

**A.—Wartime Prices and Trade Board—*continued***

such books, records and documents at any place before it or before any person appointed by it to investigate, and to take possession of any or all of such books, records and documents;

- (c) to require any person to furnish, in such form and within such time as the Board may prescribe, such information respecting real property and rentals as is specified in the requirement;
- (d) to make public its findings or report in the case of any investigation or to withhold such publication if it considers the public interest would be better served by such withholding;
- (e) to refer to the Attorney-General of any province information respecting any alleged offence against any regulation, order or requirement;
- (f) to fix the maximum rental at which any real property may be rented or offered for rent by or to any person; to prescribe the manner in which any such rental shall be ascertained; to prescribe what shall constitute or be included in any rental; to prohibit a rental in excess of the maximum so fixed; and to require any person to refund to any other person any amount received or collected in excess of any rental fixed by these regulations or by or under the provisions of any order; and, in any case in which any person has collected or received or collects or receives from any tenant any rental for any real property in contravention of an order by which he is required to have the maximum rental for that real property fixed, the Board shall have power to require such person to refund to such tenant any difference between the rental at which such person let that real property and the maximum rental therefor that is fixed by or under authority of the Board subsequent to such letting;
- (g) to prescribe the grounds on which any maximum rental fixed by these regulations or under the provisions of any order or under authority of the Board may be varied, to prescribe the manner in which and the extent to which it may be varied and to prohibit variation except in accordance with such prescription;
- (h) to prescribe the manner of determination of any maximum rental that is not fixed as provided in paragraphs (f) and (g) hereof, and to prohibit the charging or demanding of a rental in excess of the amount so determined;
- (i) to prescribe the terms and conditions under which any real property may be rented or offered for rent or under which a lease or a renewal of a lease may be negotiated or under which information respecting any real property may be furnished; and to prohibit transactions not in accordance with such prescription; and to provide for recovery of any money or money's worth collected or received in contravention of any order;
- (j) to prescribe the grounds on which and the manner in which leases may be terminated, and to prohibit termination of leases or eviction or dispossession of tenants except in accordance with such prescription;
- (k) to vary or suspend or to require variation or suspension of the terms and conditions of any lease or of any covenant, agreement or law affecting the occupation or use of any real property in such respects as the Board may designate;



**A.—Wartime Prices and Trade Board—*continued***

(2) The Board may appoint, or authorize a Rentals Administrator to appoint, from time to time in any area of Canada any person as a local Rentals Appraiser and any person or persons as a local Committee, Court of Rentals Appeals or other tribunal to be known by such title as may be designated for the purpose of investigating and adjudicating upon local complaints and applications or appeals respecting rentals for and possession of real property and of performing such other duties as may be designated, and may delegate to any Appraiser, Committee, Court or tribunal so appointed such powers to be exercised in such manner and according to such procedure as the Board may from time to time prescribe; and any Court or tribunal so appointed is hereby established and the disposition of costs of any application or appeal to and the conclusiveness of any decision by any such Appraiser, Committee, Court or tribunal shall be such as the Board may from time to time prescribe.

(3) The Board may exercise its powers by order and may from time to time delegate to any person and authorize him to exercise from time to time such of the powers of the Board on such terms as the Board deems proper; and the signature or countersignature by the Chairman of any order purporting to have been made by such person under authority of the Board shall be conclusive evidence of such authority, but nothing in these regulations shall be construed as requiring such signature or countersignature.

(4) Every order made pursuant to the powers conferred by these regulations shall apply throughout Canada unless otherwise provided therein, but may apply to such area or areas in Canada or to such class or classes of persons or to such type or types of real property as such order may designate.

4. All expenses lawfully incurred under these regulations shall be payable out of moneys provided by Parliament.

*Maximum Rentals*

5. (1) On and after December 1, 1941, the maximum rental

- (a) for any real property for which there was a lease in effect on October 11, 1941, shall be the rental lawfully payable under that lease;
- (b) for any real property for which there was no lease in effect on October 11, 1941, but for which there was a lease in effect at some time or times since January 1, 1940, shall be the rental lawfully payable under the latest lease in effect between January 1, 1940, and October 11, 1941; and
- (c) for any other real property, shall be the maximum rental that may from time to time be fixed by or on behalf of or under authority of the Board.

(2) All leases made after October 11, 1941, are hereby amended in so far as is necessary to give effect to this Section.

(3) No person shall on behalf of himself or of another person let or offer to let any real property or charge, demand, receive, collect or pay a rental for any real property on terms and conditions which directly or indirectly increase the maximum rental therefor fixed by the Governor in Council or by or on behalf of or under authority of the Board or which directly or indirectly decrease the obligations of the landlord performed or to be performed for such rental or decrease the extent or amount of the real property supplied or to be supplied for such rental.

**A.—Wartime Prices and Trade Board—continued**

(4) Nothing contained in this Section shall be deemed to supersede any provision of any order heretofore made or any maximum rental heretofore fixed by or on behalf of or under authority of the Board or to derogate from any power conferred on the Board and, without restricting the generality of this provision, the Board may vary any maximum rental, may concur in any variation of a maximum rental, may prescribe other or additional terms or conditions of any lease, may exempt any person or any real property or any lease or transaction wholly or partly from the provisions of these regulations and may withdraw any such exemption, either generally or in specific cases, and subject to such terms and conditions as the Board may prescribe.

*Offences, Penalties and Prosecutions*

**6.** (1) No person on behalf of himself or of another person shall let or offer to let any real property at a rental that is higher than is reasonable and just or shall charge, demand, receive, collect, or pay such a rental; provided that, if a maximum rental therefor has been fixed by the Governor in Council or by or on behalf of or under authority of the Board, any rental in excess of the maximum rental so fixed shall be conclusively deemed to be higher than is reasonable and just; and provided further that any person who, on behalf of himself or of another person, has heretofore charged, demanded, received, collected or paid a rental for any real property in excess of the maximum rental fixed by any order shall be deemed to have contravened this subsection and to be guilty of an offence and the penalties provided in section 7 of these regulations shall apply to any such offence.

(2) No person on behalf of himself or of another person shall let or offer to let any real property at a rental in excess of a maximum rental fixed therefor by the Governor in Council, or fixed by or on behalf of or under authority of the Board, or charge, demand, receive or collect a rental in excess of such a maximum rental.

(3) No person shall in any manner impede or prevent or attempt to impede or prevent any investigation or examination pursuant to these regulations.

(4) No person shall alter any lease referred to in clause (a) or clause (b) of subsection (1) of section 5 of these regulations or, with intent to evade any regulation or order, destroy, mutilate, deface, alter, secrete or remove any books, records, documents or property of any kind.

(5) No person shall pay or offer to pay a rental for any real property which he knows or has reason to believe is higher than the maximum rental that may lawfully be charged for such real property pursuant to these regulations.

(6) No person shall attempt to commit or aid, abet, counsel or procure the commission of any offence under these regulations, or conspire with any other person by any means whatsoever to commit an offence under these regulations, or enter into any transaction or arrangement designed for the purpose or having the effect of evading any regulation or order.

(7) No person shall make any misrepresentation or false statement to or for the use or information of the Board or any member, employee or agent thereof or any police officer or any other person concerned in the administration of these regulations or of any order, with reference to any matter affected by these regulations or such order.

**A.—Wartime Prices and Trade Board—*continued***

7. (1) Any person who contravenes or fails to observe any regulation, order or requirement shall be guilty of an offence and liable upon summary conviction under Part XV of the Criminal Code or, if the Attorney-General of Canada or of any province so directs, upon indictment, to a penalty not exceeding five thousand dollars or to imprisonment for any term not exceeding two years or to both such fine and such imprisonment; and any director or officer of any company or corporation who assents to or acquiesces in any such offence by such company or corporation shall be guilty of such offence personally and cumulatively with the said company or corporation.

(2) In any proceedings upon summary conviction, any charge may include several offences against any regulation or order committed by the same person and any number of charges may be included in one and the same information; and all such charges may be tried concurrently and one conviction for any or all of such offences may be made, which conviction may but need not provide a separate penalty for each such offence.

8. (1) No person shall be prosecuted under these regulations except with the written leave of the Board or of the Attorney-General of any province, and such written leave shall be sufficient if it purports to be signed by such Attorney-General or on behalf of the Board and if it is in the following form: "Leave is hereby given that proceedings be instituted within three months from the date hereof against . . . . . for an offence or offences under the Wartime Leasehold Regulations."

(2) A prosecution under Part XV of the Criminal Code for any offence under these regulations may be commenced at any time within twelve months from the time of its commission.

9. (1) In any proceedings in any Court a document purporting to be the decision of a Rentals Committee, Rentals Appraiser, Local Examiner, Hotel Rates Committee, Administrator of Rental Appeals or Court of Rental Appeals fixing the maximum rental for any real property specified therein, if purporting to be signed by such Committee or by the Chairman thereof or by such Rentals Appraiser, Local Examiner, Hotel Rates Committee, Administrator of Rental Appeals or Court of Rental Appeals, shall in the absence of evidence to the contrary be conclusively deemed to be the final and conclusive decision of such Committee, Appraiser, Examiner or Court, as the case may be.

(2) In any proceedings in any Court, a document purporting to be the decision of a Rentals Administrator or of a Deputy Rentals Administrator fixing the maximum rental for any real property specified therein, if purporting to be signed by such Administrator or Deputy Administrator, shall, in the absence of evidence to the contrary, be conclusively deemed to be the final and conclusive decision of such Administrator or Deputy Administrator.

(3) In any proceedings in any Court, a document purporting to be signed by a Real Property Administrator or Rentals Administrator, a Rentals Committee or the Chairman thereof, a Rentals Appraiser, a Local Examiner, Hotel Rates Committee, Administrator of Rental Appeals or a Court of Rental Appeals shall be received in evidence without proof of the signature or of the official character of the person or persons appearing to have signed the same and without further proof thereof.

10. (1) Where any person is charged with an offence under these regulations, it shall not be necessary for the prosecuting authority to



**A.—Wartime Prices and Trade Board—continued**

establish that the person so charged had not been exempted from the relative provisions of these regulations or of any order, or had not received the permission of the Board for any act or omission, and if the person so charged pleads or alleges that he had been so exempted or had received such permission, the burden of proof thereof shall be on the person so charged.

(2) For the purposes of the prosecution of a person for an offence under these regulations, the offence shall be deemed to have been committed either at the place where it was actually committed or at any place in Canada in which the offender resides or carries on business or is found or apprehended or is in custody.

(3) In any prosecution for any contravention of subsection (1) or of subsection (2) of section 6 of these regulations, evidence by an accused person that he has made an application for permission to increase any maximum rental shall not constitute a defence.

(4) If, in any proceedings for the contravention of subsection (1) or subsection (2) of section 6 of these regulations, the prosecution proves that on or after 11th October, 1941, the actual rental that was charged, demanded, received, collected or paid was less than the rental in respect of which the charge was laid, such actual rental aforesaid shall, unless and until the accused proves the contrary, be deemed to be the maximum rental for such property.

*General Provisions*

**11.** Every provision of the Interpretation Act shall extend and apply to every order published or printed in the *Canada Gazette* or *Canadian War Orders and Regulations* or *Statutory Orders and Regulations* or in any extra thereof or extract therefrom purporting to have been printed by the King's Printer for Canada, but nothing herein contained shall be construed as requiring such publication or printing.

**12.** The landlord of any real property the maximum rental for which is fixed by the Governor in Council or by or under authority of the Board shall, personally or by his agent, prepare and keep available for inspection by any representative of the Board or by any prospective purchaser or tenant a record identifying the real property and showing such maximum rental therefor.

**13.** (1) No person shall have any right to collect a rental in excess of the maximum rental fixed by the Governor in Council or by or on behalf of or under the authority of the Board, and any person who pays an amount in excess of such maximum rental may recover the excess notwithstanding that such person may have been guilty of an offence in paying such excess and such recovery may be by civil action or by deducting such excess from rental or instalments of rental due or accruing due by him to the person who collected or received such excess.

(2) If any money or money's worth has been or is collected or received in contravention of an order prohibiting its collection or receipt, the person who pays such money or money's worth may recover it notwithstanding that he may have been guilty of an offence in paying it.

**14.** Clauses (e), (l) and (n) of subsection (1) of section 2 of *The Wartime Prices and Trade Regulations*, subsection (2) of section 2 of such Regulations, clauses (f) and (g) of subsection (1) of section 4 of such

**A.—Wartime Prices and Trade Board—continued**

Regulations and the provisions of sections 3, 5, 11, 12, 14, 15 and 16 of such Regulations shall be construed as if such clauses and provisions were also included in these regulations.

15. In the exercise of its powers conferred by these regulations or otherwise, the Board shall be responsible to the Minister, shall report to the Minister as and when required to do so by the Minister and, whenever any directions are given by the Minister, all action taken by the Board shall be in accordance with such directions.

16. Any reference heretofore or hereafter made in any law or document to the Maximum Rentals Regulations or any section thereof shall be construed, *mutatis mutandis*, as a reference to section 5 of these regulations.

**3. Regulations respecting Commodity Prices Stabilization Corporation****OFFICE CONSOLIDATION**

P.C. 7475 of August 26, 1942

As amended by P.C. 39, January 6, 1944, P.C. 5273, July 26, 1945,  
P.C. 390, January 31, 1947, P.C. 1711, April 29, 1947  
and Statutes of Canada, 1947, Chapter 16

Whereas, Order in Council P.C. 9870 of the 17th day of December, 1941, authorized the Minister of Finance to cause the incorporation under the Companies Act 1934 of Commodity Prices Stabilization Corporation Ltd., with the intent and for the purpose of facilitating under the direction of the Wartime Prices and Trade Board the control of prices in Canada, and such corporation and its subsidiaries in the course of their operations from time to time pay subsidies and buy and sell goods, and it is deemed advisable to make certain regulations with respect thereto;

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the powers conferred on the Governor in Council by the War Measures Act and otherwise, is pleased to make the following Regulations and they are hereby made and established accordingly:

**REGULATIONS**

1. For the purposes of these regulations, unless the context otherwise requires,

- (a) "the corporation" means each of Commodity Prices Stabilization Corporation Ltd. and subsidiary companies the shares of which, except such shares as may be issued for the purpose of qualifying the directors of such companies, are owned by Commodity Prices Stabilization Corporation Ltd.;
- (b) "goods" includes any articles, commodities, substances or things;
- (c) "order" means and includes any general or specific order, requirement, instruction, prescription, prohibition, restriction or limitation heretofore or hereafter made or issued in writing by or on behalf of or under authority of the corporation in pursuance of any power conferred by or under these regulations or otherwise;

**A.—Wartime Prices and Trade Board—continued**

- (d) "regulation" means any of these regulations and any amendment or addition thereto;
- (e) "subsidy" means and includes a subsidy, subvention, bonus or other sum granted to any person by the Corporation in cash or by sales by the Corporation at prices below cost, or granted to any person by any department or agency of His Majesty's Canadian Government.

**2. (1) The corporation shall have power**

- (a) to prescribe the forms on which, the conditions under which and the manner in which applications for subsidy, subvention, bonus or other payment shall be made or any other information or return shall be furnished to the corporation and the terms and conditions applicable to any payment by the corporation by way of subsidy, subvention, bonus or otherwise;
- (b) to investigate costs, prices, profits and stocks of goods of any person who has made application for subsidy, subvention, bonus or other payment, or of any person who has furnished or filed or hereafter furnishes or files or who by regulation, order or requirement has been or is required to furnish or file any form, return or other information whatsoever or who has failed or refused to do so;
- (c) to enter any premises and to inspect and examine any or all books, records, and goods in the possession or control of any person and to require any such person to produce such books and records at any place before the corporation or before any person appointed by the corporation, and to take possession of and remove any or all of such books and records;
- (d) to require from time to time any person who manufactures, processes, imports, exports, produces, stores, supplies, uses, sells, or otherwise deals in any goods to furnish in such form and within such time as the corporation may prescribe written returns under oath or affirmation or in such other form as the corporation may prescribe showing such information as the corporation may consider necessary;
- (e) to refer to the Attorney-General of any province information respecting any alleged offence against any regulation, order or requirement;
- (f) to appoint one or more persons to conduct investigations and to vest in such person such of its powers as the corporation may deem advisable.

(2) In the case of any investigation made by direction of the corporation by any one or more of the President, Vice-President, Comptroller, Deputy Comptroller, Treasurer, Secretary, Chief Examiner or Chief Investigator of the corporation, each such officer concerned in such investigation shall have all the powers of a commissioner approved under provisions of The Inquiries Act, Revised Statutes of Canada, 1927, chapter 99, and any amendments thereto.

**3. (1)** No person shall make any false or misleading statement or representation in any application for subsidy, subvention, bonus or other payment or in any return or other information furnished to the corporation.

(2) No person shall make application for subsidy, subvention, bonus or other payment if a previous application in respect of the same or sub-



**A.—Wartime Prices and Trade Board—*continued***

stantially the same goods or circumstances is pending or has been refused, unless he states in such application that such previous application has been made and is pending or has been refused.

(3) No person shall, with intent to evade any regulation, order or requirement destroy, mutilate, deface, alter, secrete, or remove any books of account, records of business or similar property of any kind.

(4) No person shall obstruct, deceive or mislead the corporation or any officer of customs or excise or any police officer or any employee or agent of the corporation or any other person concerned in the administration of any regulation, order, or requirement with reference to any matter affected by such regulation, order or requirement.

(5) No person shall fail or neglect to report and account to the corporation in respect of any matter, fact or circumstance, which if known at the time of application for subsidy, subvention, bonus or other payment would have decreased the amount applied for or would have been relevant to the corporation's consideration of the application. Such report and accounting shall be made within 30 days from the date that such matter, fact or circumstance became known or should have become known to such person.

(6) In any case in which the corporation finds, whether as a result of such report or accounting or otherwise, that a person has received a sum of money by way of subsidy and has not shown all facts and circumstances required to be shown by him in his application for subsidy or other document that must be furnished by him to obtain a subsidy, and the corporation decides that such sum would not have been paid to such person if all such facts and circumstances had been shown, such person shall, within 30 days from the date of a demand in writing by the corporation, repay such sum to the corporation.

(7) The following conditions shall apply to every subsidy:

- (a) If any goods in respect of which a subsidy has been granted or any goods containing materials in respect of which a subsidy has been granted have been or are sold by any person at a price in excess of the maximum price at which he may lawfully sell the goods, such person shall forthwith pay to the corporation the amount of subsidy involved in such goods.
- (b) If the maximum price at which a person may lawfully sell any goods in respect of which a subsidy has been granted or any goods containing materials in respect of which a subsidy has been granted is increased by or under authority or with the concurrence of the Wartime Prices and Trade Board, such person shall, to the extent of a demand, if any, made by the corporation in writing, pay to the corporation forthwith after the date of such demand the amount of subsidy involved in each of such goods in his possession or under his control at the time the maximum price therefor was so increased but not exceeding the amount by which such maximum price was so increased.
- (c) If sales by any person of any goods in respect of which a subsidy has been granted or any goods containing materials in respect of which a subsidy has been granted are exempted by order of the Governor in Council or by or under authority of the Wartime Prices and Trade Board from any maximum price, such person

**A.—Wartime Prices and Trade Board—continued**

shall, to the extent of a demand, if any, made by the corporation in writing, pay to the corporation forthwith after the date of such demand the amount of subsidy involved in each of such goods in his possession or under his control at the time of such exemption.

- (d) In any proceedings in any court, the amount stated on behalf of the corporation to be the amount of subsidy involved in any goods or to be the amount by which a maximum price was increased shall be deemed to be the correct amount unless and until the contrary is proved.

(8) No person shall attempt to commit or aid or abet the commission of any offence under these regulations or conspire with any other person by any means whatsoever to commit an offence under these regulations, or enter into any transaction or arrangement designed for the purpose or having the effect of evading any regulation, order or requirement.

4. (1) Any person who contravenes or fails to observe any regulation, order or requirement shall be guilty of an offence. Every offence under these regulations shall be deemed to be an offence under the Wartime Prices and Trade Regulations and all the provisions of the said Wartime Prices and Trade Regulations relating to offences thereunder shall *mutatis mutandis* extend and apply to offences under these regulations.

(2) In any case where a person accused of any offence under these regulations has not kept such books of account, records, inventories or otherwise as are necessary to exhibit or explain his transactions, the onus shall be upon such accused person to establish the correctness of his statement, application, return or other information as the case may be.

5. In any proceedings in any Court:

- (i) any document certified by the President or Secretary to be a true copy of the minutes of any meeting of directors or shareholders of the corporation or of any extract therefrom shall be received as conclusive evidence that any transaction or decision therein recorded was made or taken;
- (ii) any order, licence or other document purporting to be made or issued by or on behalf of or under authority of the corporation shall, if signed or countersigned by the President or the Secretary, be received as conclusive evidence that such order, licence or other document was so made or issued;
- (iii) any document certified by the President or Secretary to be a true copy of any order, licence or other document made or issued by or on behalf of or under authority of the corporation shall be received as conclusive evidence that such order, licence, or other document was so made or issued;
- (iv) any document purporting to be signed or countersigned by the President or Secretary of the corporation shall be received in evidence without proof of the signature or official character of the President or the Secretary as the case may be.

6. (1) No director, officer, clerk or employee of the corporation and no person acting on behalf of or under the authority or supervision of the corporation shall be liable for any act or omission in the exercise or performance or purported exercise or performance, in good faith and on reasonable grounds, of any power, discretion, authority or duty conferred or imposed by or under these regulations.

**A.—Wartime Prices and Trade Board—continued**

(2) No proceedings by way of injunction, mandatory order, mandamus, prohibition or certiorari, shall be instituted against the corporation or any director, officer or employee thereof or any person acting under the authority of the corporation for or in respect of any act or omission of itself, himself or any other person in the exercise or purported exercise of any power, discretion or authority or in the performance or purported performance of any duty conferred or imposed by or under these regulations or otherwise heretofore conferred or imposed by the Governor in Council.

**4. Government Employees Compensation Act extended to C.P.S.C., etc. employees**

P.C. 34/4433

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 10th day of June, 1944.*

The Board had under consideration a memorandum from the Honourable the Minister of Finance concurred in by the Honourable the Minister of Transport reporting:

"That, under the provisions of the Government Employees Compensation Act compensation is payable to employees of His Majesty who are caused personal injury by accident arising out of and in the course of their employment, and the dependents of any such employee whose death results from such an accident, at the rates of compensation provided for employees, or dependents of employees, of persons other than His Majesty under the law of the Province in which the accident occurs.

That Commodity Prices Stabilization Corporation Ltd. and Canadian Wool Board Limited are Crown Corporations owned by His Majesty in right of Canada, represented by the Minister of Finance, and Wartime Food Corporation Ltd. is a subsidiary of Commodity Prices Stabilization Corporation Ltd.

That it is deemed advisable, as a war measure, to extend the application of the Government Employees Compensation Act so as to provide for payment of compensation to employees of said Corporation who are injured by accident while so employed, and to their dependents in case of death.

The undersigned, therefore, has the honour to recommend that, under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council be pleased to order that employees of Commodity Prices Stabilization Corporation Ltd., Wartime Food Corporation Ltd. and Canadian Wool Board Limited be deemed to be employees of His Majesty within the meaning and for the purposes of the Government Employees Compensation Act as from the commencement of their employment, and that all costs of compensation awarded hereunder be paid out of the War Appropriation."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

N. A. ROBERTSON,

*Clerk of the Privy Council.*



**A.—Wartime Prices and Trade Board—*continued***

**5. Consolidation of Supplementary Regulations respecting the War-time Prices and Trade Board—and revocation of certain Orders in Council**

P.C. 3122

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 25th day of July, 1946.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Finance represents that it is desirable that certain Orders in Council made under the authority of the War Measures Act to assist the Wartime Prices and Trade Board and that are no longer necessary be rescinded; and

That other Orders in Council similarly made to assist the said Board which do not need to be continued in force in their present form under the authority of Parliament but the provisions of which in whole or in part are still necessary in the national interest should, for the information and convenience of Parliament and the public, be consolidated as hereinafter set forth;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to powers conferred by the National Emergency Transitional Powers Act, 1945, is pleased to order and doth hereby order as follows:

1. The members, officers, administrative officials and employees of the Wartime Prices and Trade Board who were temporarily appointed to office by or with the approval of the Governor in Council or the Treasury Board under the authority of the War Measures Act and who are still in office at the date hereof are hereby confirmed in office to be held during pleasure at the remuneration and on the terms in effect at the date hereof, subject to such alteration thereof as may be made hereafter by or with the approval of the Governor in Council or the Treasury Board.

2. Subject to paragraph 1 preceding, all Orders of the Governor in Council made under the authority of the War Measures Act appointing or approving the appointment of the members, officers, administrative officials and employees aforesaid are hereby rescinded.

3. The Orders in Council set forth in Part I of the Schedule to this order are hereby rescinded.

4. The Orders in Council set forth in Part II of the Schedule hereto are hereby rescinded and the regulations hereinafter set forth are made, established, and substituted therefor.

CONSOLIDATION OF SUPPLEMENTARY REGULATIONS RESPECTING THE  
WARTIME PRICES AND TRADE BOARD

*Title*

1. These regulations as amended from time to time may be cited as Consolidated Supplementary Regulations for the assistance of the Wartime Prices and Trade Board.

**A.—Wartime Prices and Trade Board—continued***Offences and Penalties*

2. Any person who contravenes or fails to observe any of these regulations or any order, requirement, direction or prescription made or issued under the authority of these regulations shall be guilty of an offence which shall be deemed to be an offence under the Wartime Prices and Trade Regulations the provisions of which relating to prosecutions, penalties, proof and evidence shall extend and apply to such offence.

*Allocation of Duties*

3. In any case in which the Governor in Council or the Treasury Board has heretofore approved or hereafter approves the appointment by the Wartime Prices and Trade Board of any particular person as a Co-ordinator, Deputy Co-ordinator, Administrator, Deputy Administrator, Director or to any office with other title, such Board may from time to time re-allocate the goods or services in respect of which any such person shall perform his duties and exercise his powers, re-assign to any such person powers and duties in respect of goods and services and designate any such person by such altered title as the Board deems to be desirable.

4. The Wartime Prices and Trade Board may appoint as an Administrator or Deputy Administrator, to exercise such powers and perform such duties as the Board may assign to him from time to time, any Controller or Deputy Controller appointed by the Governor in Council on the recommendation of the Minister of Munitions and Supply or the Minister of Reconstruction and Supply; and the provisions of section 3 hereof shall apply to any such Administrator or Deputy Administrator.

5. A Deputy Chairman of the Wartime Prices and Trade Board shall have authority to exercise and perform all powers and duties conferred on or assigned to the Chairman of such Board; and the said Board may appoint any person as an Acting Chairman of the Board to exercise and perform under such title the said powers and duties during the absence of the Chairman and Deputy Chairman.

*Furnishing of Information*

6. (1) In order to avoid requiring persons engaged in business to duplicate their labour in furnishing information required by the Dominion Bureau of Statistics for the purposes of the Statistics Act and also required by the Wartime Prices and Trade Board for its purposes, the Dominion Bureau of Statistics, notwithstanding the provisions of section 15 of the Statistics Act, is hereby authorized to make available to the Wartime Prices and Trade Board, when requested so to do by such Board in writing over the signature of the Chairman or Secretary thereof, all information in the possession of the said Bureau in any way relating to the business of any individual person or establishment.

(2) The said Board, in respect of all information so made available to it, shall take adequate measures to afford proper protection of the interests of the aforesaid individual person or establishment against his competitors or other persons who might use such information to his detriment or disadvantage.

**A.—Wartime Prices and Trade Board—*continued***

(3) No information made available by the said Bureau to the said Board under the provisions hereof shall be used by or on behalf of the said Board as evidence in any Court.

7. In order that the Wartime Prices and Trade Board may discharge its duties and responsibilities respecting control of prices, adequate supplies and equitable distribution of goods, and respecting payment of subsidies, subventions or bonuses to trades and industries to ensure adequate supply for Canadian requirements, and in order that such Board to that end may obtain from persons engaged in business the necessary financial statements and other returns of a confidential nature in such circumstances as will ensure that the contents thereof and the identity of such persons shall be confidential and not subject to disclosure to the prejudice of such persons,

- (a) every person shall furnish to the Wartime Prices and Trade Board, in such form and within such time as that Board may prescribe, such profit and loss statements, balance sheets or other information, financial or otherwise, as the Board may from time to time require or request, and upon oath or affirmation if the Board so requires or requests;
- (b) the Board shall take adequate measures to prevent information furnished to it under this Section from being communicated or revealed to competitors of the person furnishing the information or to any other person who might use the information to the detriment or disadvantage of the person furnishing it;
- (c) no person shall communicate or reveal any information furnished to the Board under this Section to any person other than the Chairman, a Deputy Chairman, the Chief of the Prices Division of the Board or a person charged with the duty of supervising or preparing reports, summaries or other compilations of information without the consent in writing of the person by whom it was furnished; and
- (d) no person shall include in any report, summary, compilation or publication any information furnished pursuant to this Section in such manner as to enable any person to identify such information as relating to any individual person, business or undertaking.

8. In order that requirements respecting maximum prices may be enforced in respect of imported goods to the same extent as domestic goods, the importer of such goods as may be designated from time to time by the Minister of National Revenue on the recommendation of the Wartime Prices and Trade Board shall furnish with the relative Customs entry document such additional information as such Minister may direct and in such form as he may require; and, notwithstanding any of the provisions of the Customs Act, such information may be transmitted to the Wartime Prices and Trade Board.

*Courts of Rental Appeals*

9. Notwithstanding anything contained in the Judges Act or in any other statute or law of Canada or of any province, a Judge or other person holding judicial office, whether federal or provincial, heretofore or hereafter appointed by the Wartime Prices and Trade Board as a Court of Rental Appeals, pursuant to powers conferred by the Wartime Leasehold Regulations established by Order in Council P.C. 9029 of the 21st day of November, 1941, as amended, shall be paid out of the allotment for the



**A.—Wartime Prices and Trade Board—continued**

Wartime Prices and Trade Board from moneys provided by Parliament, for each day on which he is actually engaged on hearing such appeals and applications, a sum by way of a supplement for additional duties, to be approved by the Treasury Board, together with his transportation expenses (including automobile) attending and returning from any place other than his place of residence in the performance of the duties aforesaid.

*Local Ration Boards*

**10.** (1) Municipalities shall be reimbursed for the following expenses and costs incurred in connection with the operation of Local Ration Boards established by the Wartime Prices and Trade Board:

- (a) expenses incurred in securing the services of part or full time secretarial, stenographic and clerical help, or the services of casual employees, at rates which shall not exceed prevailing rates of pay or compensation in the locality;
- (b) expenses incurred in renting necessary office space, altering buildings, providing heat, light, telephone, janitor and other building services required in connection with the operation of the said Local Ration Boards;
- (c) expenses incurred in securing office supplies, stationery and postage used in connection with the operation of the said Local Ration Boards;
- (d) travelling and other out-of-pocket expenses necessarily incurred in connection with the operation of the said Local Ration Boards; and
- (e) costs incurred in the necessary purchase or rental of furniture and other office equipment used in the operation of the said Local Ration Boards.

(2) Accounts for costs and expenses as provided in subsection (1) preceding shall be submitted monthly to the Wartime Prices and Trade Board by the municipality in such detail as may be approved by the Comptroller of the Wartime Prices and Trade Board, and such accounts shall be approved by the Director of Local Ration Boards of the Consumer Rationing Administration of the said Board or by such other persons as may be designated by the Comptroller of the said Board; provided that in the event of disagreement between officers of the Wartime Prices and Trade Board and any municipality in regard to any item of expenses, including rates of pay or compensation, the question shall be referred to the Treasury Board and the Treasury Board's decision shall be final.

(3) Payments to municipalities as provided herein shall be charged to the allotment for the Wartime Prices and Trade Board from moneys provided by Parliament.

(4) All furniture and office equipment and all unused supplies of stationery and other office supplies acquired by municipalities in connection with the operation of the said Local Ration Boards, for which reimbursement is provided herein, shall be the property of and shall be held subject to the orders of the Crown in the right of the Dominion of Canada.

*Departmental Repayment of Subsidy*

**11.** (1) In this Section,

- (a) "corporation" means the Commodity Prices Stabilization Corporation, Ltd.;

**A.—Wartime Prices and Trade Board—continued**

- (b) "subsidiary" means Wartime Food Corporation Limited;
- (c) "subsidy" means a subsidy, subvention, bonus or other sum granted by the corporation or by the subsidiary, either by payment in cash or by sales by the corporation or subsidiary at prices below cost;
- (d) "subsidized goods" means goods of a class or kind designated by the corporation or subsidiary as a class or kind of goods.
  - (i) in respect of which a subsidy is or has been granted, or
  - (ii) the cost of production of which is or has been reduced by a subsidy granted in respect of some other class or kind of goods.

(2) Notwithstanding any other law, any Department of His Majesty's Government in Canada is hereby authorized to agree with the corporation on the approximate amount of subsidy, whether granted by the corporation or by the subsidiary, that is involved in any subsidized goods heretofore or hereafter purchased by or on behalf of such Department or any agency thereof, and to pay such agreed amount to the corporation.

(3) Notwithstanding any other law, in the case of any subsidized goods heretofore or hereafter purchased by any Department for the purposes of any other Department or Departments or purchased for the purposes of two or more Departments, all such Departments are hereby authorized to agree jointly on the approximate amount of subsidy, whether granted by the corporation or by the subsidiary, that is involved in any of such goods and to share payment of such amount to the corporation.

(4) Any amount paid to the corporation under the authority of this Order representing the approximate amount of a subsidy granted by the subsidiary shall be received by the corporation to the account of the subsidiary. All amounts paid to the corporation under authority of this Order or under authority of Order in Council P.C. 5518, dated July 16, 1943, shall be applied in carrying out the terms of the agreement between the corporation, the subsidiary and His Majesty, dated the 18th day of July, 1942, as amended, and of carrying out any of the objects or powers of the corporation.

*Repayment of Subsidy Deductible from Taxable Income*

**12.** Notwithstanding the laws of the Dominion of Canada as herein below mentioned, imposing taxation, sums paid by any person to the Commodity Prices Stabilization Corporation, Ltd., by voluntary act or pursuant to any Order in Council or pursuant to any arrangement, agreement or undertaking with or by direction of the said corporation, the Canadian Wheat Board, or any other department or agency of His Majesty's Canadian Government, representing return of financial assistance given by the said corporation or Canadian Wheat Board or given by any department or agency of His Majesty's Canadian Government for the purpose of facilitating the supply and distribution of goods at stabilized prices, are and shall be proper deductions from the taxable income (of which the financial assistance forms a part) of the person making such payment in so far as the Income War Tax Act and the Excess Profits Tax Act are concerned.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**A.—Wartime Prices and Trade Board—continued**

## SCHEDULE

## PART I

*Orders in Council Wholly Rescinded by Within Order*

1. P.C. 1384 of April 9, 1940, authorizing the Wool Administrator to prescribe the weighted average price for cross-bred wools.
2. P.C. 3555 of July 20, 1940, establishing regulations respecting wool.
3. P.C. 5468 of October 9, 1940, establishing regulations respecting oils.
4. P.C. 8707 of November 7, 1941, authorizing the giving of jurisdiction over other goods to the Wool Administrator.
5. P.C. 504 of January 23, 1943, transferring cork, metal and sundry supplies to jurisdiction of Wartime Prices and Trade Board.
6. P.C. 2752 of April 17, 1945, approving the guarantee by Commodity Prices Stabilization Corporation of Coal purchases in 1945.

## PART II

*Orders in Council Rescinded and Substituted by Within Order*

1. P.C. 2247 of March 23, 1942, providing for re-allocation of duties of Administrators and other persons, as amended by:

P.C. 18/4857 of June 15, 1943.

Replaced by Section 3 of within Regulations.

- 2 and 3. P.C. 9863 of December 16, 1941, providing for appointment of named Controllers as Administrators, and P.C. 4110 of May 18, 1943, providing for appointment of other Controllers as Administrators.

Replaced by Section 4 of within Regulations.

4. P.C. 7990 of October 13, 1944, providing for Acting Chairman of Wartime Prices and Trade Board.

Replaced in part by Section 5 of within Regulations.

5. P.C. 2363 of March 27, 1942, respecting furnishing of information by Dominion Bureau of Statistics.

6. P.C. 3238 of May 22, 1944, respecting furnishing of information to Wartime Prices and Trade Board.

Replaced by Section 7 of within Regulations.

7. P.C. 7878 of October 13, 1944, respecting furnishing of information by importers.

Replaced by Section 8 of within Regulations.

8. P.C. 7431 of September 21, 1943, respecting payment of war duties supplement to Courts of Rental Appeals.

Replaced by Section 9 of within Regulations.

9. P.C. 24/11590 of December 23, 1942, providing for the expenses of Local Rating Boards.

Replaced by Section 10 of within Regulations.



**A.—Wartime Prices and Trade Board—continued**

10. P.C. 625 of February 1, 1944, respecting repayment of subsidy by Government Departments purchasing subsidized goods.

Replaced by Section 11 of within Regulations.

11. P.C. 777 of February 14, 1944, providing that repayments of subsidy are deductible from taxable income.

Replaced by Section 12 of within Regulations.

**6. Order in Council transferring powers, functions, etc., of Sugar Administrator to a Crown Company to be known as Canadian Sugar Stabilization Corporation**

P.C. 328

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 28th day of January, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Finance reports, on representations received from the Wartime Prices and Trade Board, that it is desirable, in order to effectuate the intent of the Regulations respecting Sugar made and established by Order in Council P.C. 3223 of the 21st day of October, 1939, as amended, and in order to facilitate the arrangements entered into between the Canadian Government and the United Kingdom authorities in regard to the purchase of sugar, that the powers, functions and funds of the Sugar Administrator be transferred to a Crown company as hereinafter set forth;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to powers conferred by the National Emergency Transitional Powers Act, 1945, and otherwise, is pleased to make and doth hereby make the following order:

**ORDER**

**1.** As at the close of business on February 28, 1947,

- (a) all moneys of Wartime Food Corporation Ltd., on hand or in bank on that date and all of its accounts receivable and other assets (except office equipment and supplies), as certified by its Treasurer and approved by the Auditor-General of Canada, shall be transferred to Commodity Prices Stabilization Corporation Ltd., and
- (b) all liabilities and other obligations of Wartime Food Corporation, Ltd., as certified by its Treasurer and approved by the said Auditor-General, shall be assumed by Commodity Prices Stabilization Corporation Limited.

**2.** All moneys transferred to Commodity Prices Stabilization Corporation, Ltd., and the proceeds of sale of any assets transferred to it under the authority of paragraph 1 hereof shall be in addition to the accountable advances heretofore or hereafter made to it under the authority of Order

**A.—Wartime Prices and Trade Board—*continued***

in Council P.C. 9870 of the 17th day of December, 1941, as amended, may be used by it for its general corporate purposes and shall be accounted for accordingly.

3. Upon completion of the transfers referred to in paragraph 1 hereof, Commodity Prices Stabilization Corporation, Ltd., and Wartime Food Corporation, Ltd., are hereby authorized and directed to do all things that are necessary

- (a) to effectuate the transfer of all shares of Wartime Food Corporation Ltd., held by Commodity Prices Stabilization Corporation, Ltd., to the Minister of Finance, and
- (b) to effectuate the transfer of all other issued shares of Wartime Food Corporation, Ltd., to such persons as the Minister of Finance may designate in order that such persons may be qualified to act as Directors.

4. Upon completion of the transfer of shares referred to in paragraph 3 hereof, Wartime Food Corporation, Ltd., is hereby authorized and directed to obtain Supplementary Letters Patent changing its corporate name to "Canadian Sugar Stabilization Corporation, Ltd.", and changing its corporate objects to the following:

"To purchase or otherwise acquire, export, import, exchange, charge, sell or otherwise dispose of, distribute, store, transport, process and generally deal in sugar, sugar syrups, liquid sugar, molasses and other sugar products."

5. When the said Supplementary Letters Patent have been obtained, the Minister of Finance is hereby authorized to execute and deliver an agreement between His Majesty and such "Canadian Sugar Stabilization Corporation, Ltd.," in the terms of the draft thereof hereto annexed, subject to such changes therein as he may deem proper, and to amend such agreement from time to time as he may deem proper. Such executed agreement shall have full force and effect notwithstanding anything contained in the Consolidated Revenue and Audit Act or other statute.

6. Upon execution of the agreement referred to in paragraph 5 hereof

- (a) the Sugar Administrator is hereby authorized and directed to transfer to the said Canadian Sugar Stabilization Corporation, Ltd., all moneys then on hand or in bank received by him under the Regulations respecting Sugar made and established by Order in Council P.C. 3223 of the 21st day of October, 1939, including the fund commonly known as the Sugar Stabilization Fund, and all securities in which any of such moneys are then invested, and all then outstanding accounts receivable and other assets held by him in his capacity of Sugar Administrator, all as certified by the said Auditor General, together with all books and records of the Sugar Administrator;
- (b) all outstanding liabilities and obligations of the Sugar Administrator are hereby transferred to and shall be assumed by the said Canadian Sugar Stabilization Corporation, Ltd.

7. Any reference to Wartime Food Corporation Ltd., in Order in Council P.C. 34/4433 of the 10th day of June, 1944, extending to specified

**A.—Wartime Prices and Trade Board—*continued***

Crown companies the provisions of the Government Employees Compensation Act, shall be construed as a reference to the said "Canadian Sugar Stabilization Corporation, Ltd."

8. As of the date of the Supplementary Letters Patent referred to in paragraph 4 hereof, the said Regulations respecting Sugar are hereby rescinded and from and after that date,

- (a) all sugar refiners in Canada shall sell to the said Canadian Sugar Stabilization Corporation, Ltd., as and when required by it, all raw sugar and all refined sugar, syrups, liquid sugar and molasses manufactured from beet or cane and in their possession, at such prices as such Corporation, under the direction of the Wartime Prices and Trade Board, may prescribe from time to time; and
- (b) no person other than the said Canadian Sugar Stabilization Corporation, Ltd., shall import into or export from Canada any Sugar or edible molasses except under the authority of a permit issued by such Corporation.

9. As of the 28th day of February, 1947, Order in Council P.C. 624 of the 1st day of February, 1944, conferring particular powers on Wartime Food Corporation, Ltd., and officers thereof, is hereby rescinded.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

This Agreement made the.....day of ....., 1947.

Between

His Majesty the King in right of Canada (hereinafter called "His Majesty" herein acting and represented by the Honourable the Minister of Finance (hereinafter called "the Minister")

of the one Part

and

Canadian Sugar Stabilization Corporation, Ltd., a company incorporated under the laws of the Dominion of Canada (hereinafter called "the Company")

of the Other Part

Witnesseth that it is agreed between the Minister and the Company as follows:

1. The Company is hereby authorized, under direction of the Wartime Prices and Trade Board and, upon expiry of the Wartime Prices and Trade Regulations, under direction of the Minister,

- (a) to acquire by purchase from the United Kingdom authorities sugar sufficient to satisfy Canadian requirements, at prices as agreed on from time to time with such authorities;
- (b) to acquire by purchase from other sources sugar sufficient to satisfy Canadian requirements in the event that the United Kingdom authorities are unable at any time to satisfy such requirements;
- (c) to sell to Canadian refiners and to others requiring sugar in Canada raw sugar at such prices as the Company, with the approval of the Wartime Prices and Trade Board or the Minister, may prescribe,



**A.—Wartime Prices and Trade Board—*continued***

and to allocate such sugar among refiners and other Canadian users of sugar in such manner as to secure throughout Canada a steady and adequate supply of sugar to consumers;

- (d) to acquire by purchase from Canadian refiners raw sugar, refined sugar, syrups, liquid sugar and molasses manufactured from beet or cane at such prices as the Company, with the approval of the Wartime Prices and Trade Board or the Minister, may prescribe;
- (e) to re-sell such raw sugar, refined sugar, syrups, liquid sugar and molasses to Canadian refiners and others requiring sugar in Canada, at such prices as the Company, with the approval of the Wartime Prices and Trade Board or the Minister, may prescribe.

2. All funds received by the Company from the Sugar Administrator and from sales made under the authority of this agreement shall be deposited in such chartered bank or banks as the Minister may direct and payment for all purchases made by the Company, for all charges arising out of purchases and sales, and for all other expenses of the Company in carrying out its objects shall be made out of the said funds.

3. At such times as the Wartime Prices and Trade Board may direct, or, upon expiry of the Wartime Prices and Trade Regulations, as the Minister may direct, the company shall purchase any raw sugar in the possession or control of any Canadian refiner at the price at which such sugar was sold to such refiner by the Sugar Administrator or by the Company (with no allowance for any carrying charge) and any refined sugar in the possession or control of such refiner at the cost of the relative quantity of raw sugar sold to such refiner by the Sugar Administrator or by the Company plus the refining margin (being the difference between the prices of refined sugar and a raw sugar previously prescribed). All sugar so purchased shall be re-sold by the Company to Canadian refiners or others requiring sugar in Canada at such prices as the Company, with the approval of the Wartime Prices and Trade Board or the Minister, may prescribe.

4. The Company may invest surplus funds, not immediately required, in securities of the Dominion of Canada or in securities unconditionally guaranteed as to principal and interest by the Dominion of Canada and, for this purpose, may from time to time buy and sell such securities.

5. The Company shall keep proper accounts and records of its affairs and operations, together with invoices, receipts, vouchers and statements in connection therewith. After the close of each calendar month, the Company shall furnish the Minister with a statement of its affairs and operations for such calendar month, certified by the Treasurer or Assistant-Treasurer of the Company as correct and by such other of its officers as may be designated by by-law or resolution of the company. As soon as practicable after the close of each fiscal year, the Company shall furnish the Minister with a statement of its affairs and operations for such fiscal year, similarly certified as correct.

6. The Company shall keep the Minister advised of the names of all persons having authority to sign or endorse cheques or other negotiable instruments on behalf of the Company and shall furnish the Minister with such information as he may request from time to time. The Company shall obtain and keep in force fidelity bonds issued by such company or companies for such amounts in respect of such persons as the Company

**A.—Wartime Prices and Trade Board—continued**

deems advisable and, at the request of the Minister, shall furnish him with evidence that the premiums on such bonds have been duly paid and deliver any or all of such bonds to the Minister.

7. The Auditor General of Canada shall be the auditor of the Company and the accounts and records of the Company shall be subject to such audit by him in such manner and at such time as he may decide.

8. This agreement shall be subject to such amendment as the Minister may specify and shall remain in force until terminated by the Minister by notice in writing delivered to the Company.

In witness whereof the parties hereto have executed this agreement in triplicate as of the date first hereinbefore written.

SIGNED, SEALED AND DELIVERED }  
BY THE MINISTER }  
IN THE PRESENCE OF }

(Corporate Seal)

CANADIAN SUGAR STABILIZATION  
CORPORATION, LTD.,

by \_\_\_\_\_  
President

and \_\_\_\_\_  
Secretary

**PART II**

Part II contains all the Orders of the Wartime Prices and Trade Board which on the 31st December, 1949, were still in force, consolidated as amended, with the exception of:—

- (a) those Orders which merely revoke other Orders, and
- (b) those Orders which apply to the conversion of buildings on specific properties from single to multiple family dwellings.

The Orders referred to in (a) and (b) above may be found as originally published in *Canadian War Orders and Regulations* or in Part II of the *Canada Gazette*.

- 82 Powers of Administrators
- 174 Board's Name, Use of
- 200 Housing Accommodation—Congested Areas
- 414 Goods—Maximum Prices for—Standard-Dissimilar
- 425 Living Accommodation—Tourist Cabins—Trailers
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- 511 *Termination of Leases, when possession desired for Veterans*
- 671 *Conditions of Selling Goods and Services*
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- 753 *Termination of Leases for housing accommodation*
- 757 *Specified Goods and Services and Suspension From Maximum Prices of other Goods and Services*
- 793 *Termination of Leases for Housing Accommodation*
- 800 *Housing and Shared Accommodation*
- 803 *Termination of Leases for Housing Accommodation*
- 807 *Housing and Shared Accommodation—Winnipeg*
- 808 *Housing and Shared Accommodation—Victoria*
- 809 *Housing and Shared Accommodation—Toronto*
- 813 *Termination of Leases for Self-contained dwellings and lodgings*
- 815 *Rooming Accommodation*
- 817 *Exempting Real Property and leases in Saskatchewan*

## OFFICE CONSOLIDATION

**Wartime Prices and Trade Board****Order No. 82****Respecting Administrators**

*(Consolidated as amended by Order No. 122 of the Board)*

made pursuant to authority conferred by Order in Council P.C. 8528 dated the 1st day of November, 1941.

1. For the purposes of this Order,

- (a) "Administrator" means a person duly appointed as such by the Board with the approval of the Governor in Council;
- (b) "Board" means the Wartime Prices and Trade Board.

2. Each Administrator is hereby authorized to regulate under the supervision of the Board, the supply and distribution of goods and services and in particular he is hereby authorized,

- (a) to prescribe the terms and conditions under which any goods or services may be sold, offered for sale or supplied and to prohibit transactions except in accordance therewith;
- (b) to prescribe the kinds, models, types, qualities, sizes and quantities of any goods and services that may be manufactured, sold or supplied and to prohibit the sale or supply except in accordance with such prescription;
- (c) to fix or limit the quantities of any such goods or services that may be manufactured, bought, sold, supplied or distributed within prescribed periods of time and to prohibit the manufacture, purchase, sale, or supply or distribution in excess of the quantities so fixed or limited;



**A.—Wartime Prices and Trade Board—*continued***

- (d) to require any person producing, manufacturing, extracting, refining, processing, storing, transporting, and supplying or dealing in any such goods or services to produce, manufacture, process, extract, refine, store, transport, supply or otherwise deal with such goods and services in such manner and in such priority to any other business of that person as may be specified by the Administrator.

*(Section 2 as substituted by Order No. 122)*

3. Each prescription or limitation by an Administrator pursuant to this Order shall be evidenced in writing, signed by the Administrator and countersigned by the Chairman of the Board.

4. Nothing in this Order shall be deemed to extend to any articles, commodities, substances, goods, services or things over which a Controller who is a member of the Wartime Industries Control Board is given authority jurisdiction or power, except at the request or with the concurrence of the Chairman of the Wartime Industries Control Board.

5. This Order shall be effective on and after the 10th day of January, 1942.

Made at Ottawa, the 6th day of January, 1942.

DONALD GORDON,  
*Chairman.*

**Wartime Prices and Trade Board**

**Order No. 174**

**Respecting Use of Board's Name and Licence Numbers**

made pursuant to authority conferred by Order in Council P.C. 8528, dated the first day of November, 1941.

Whereas all sellers of goods and suppliers of designated services are required to obtain a licence from this Board for the purposes of control and no such licence is intended to have or has the effect of authorizing or approving the business of such seller or supplier;

Therefore, it is ordered as follows:

1. (1) The provisions of this section shall only apply to "consumer goods" which shall mean goods for personal or household use or consumption and also machinery and implements, tools, equipment, parts and supplies for the use of farmers, fishermen and other individuals in the course of their personal trades and occupation; and goods shall be considered consumer goods if they are in their nature adapted or designed for use as such regardless of the actual use to which any particular goods may from time to time be put by the buyer.

(2) Unless otherwise expressly authorized by the Board or by an Administrator, no person shall in any manner state or use words implying that any particular price or term or condition of sale has been approved by the Board or by an Administrator.

(3) Every seller, other than a retailer, who increases prices pursuant to approval by the Board or by an Administrator shall notify his customers

**A.—Wartime Prices and Trade Board—*continued***

of such approval in such form as may be authorized by an Administrator, or, in the absence of such authorization, shall provide his customers with a copy of the Order or other document approving the increase in price.

(4) Any retailer, increasing any price pursuant to written authority from the Board or an Administrator, shall on demand by any customer exhibit such written authority to such customer.

2. (1) No person engaged in any business shall, in any advertisement, letter-head, business form or other document, or in any other manner, use words or expressions stating or implying or tending to cause belief that the business owned, controlled or operated by such person or any transaction in which such person is engaged has been approved or authorized by the Board.

(2) No person to whom any licence has been issued or granted by the Board shall in any advertisement, letter-head, business form or other document, or in any other manner, refer to such licence other than to show the number of such licence in the following words: "Wartime Prices and Trade Board Licence No.——".

3. This Order shall be effective on and after the 24th day of September, 1942.

Made at Ottawa, the 25th day of August, 1942.

DONALD GORDON,  
*Chairman.*

**WARTIME PRICES AND TRADE BOARD****Order No. 200****Respecting Housing Accommodation in Congested Areas**

made pursuant to authority conferred by Order in Council P.C. 9029, dated the 21st day of November, 1941.

Whereas, in the congested areas of Canada, there is insufficient housing accommodation available by ordinary means for the shelter of all who are in need of such accommodation;

And whereas, until the situation is rectified by other measures, emergency regulation is necessary to ensure the maximum and best possible use of available housing accommodation;

And whereas, it is deemed essential that surveys be made in such congested areas for the purpose of ascertaining the available housing accommodation and enlisting the co-operation of householders to share their accommodation as far as possible with those who lack shelter;

And whereas, in order to achieve the maximum use of available housing accommodation, it is in the public interest to temporarily suspend during wartime conditions, the provisions of by-laws, building restrictions or covenants in leases and conveyances which prohibit or limit such sharing of accommodation;

Therefore, it is ordered as follows:

1. For the purposes of this Order,

(1) "Board", "housing accommodation", "landlord", "lease", and "tenant" shall have the same meaning, respectively, as that set forth in Section 1 of Order No. 108 of the Board, dated the 24th day of April, 1942;

**A.—Wartime Prices and Trade Board—*continued***

- (2) "householder" means any person who occupies any housing accommodation as owner, tenant or sub-tenant;
- (3) "Real Property Administrator" means the person appointed as such by the Board with the approval of the Governor in Council and includes any Deputy of such Administrator.

2. The Real Property Administrator may from time to time, under the direction of the Board, cause surveys to be made of the availability of and demand for housing accommodation situated in any area of Canada in such manner and by such persons as he may appoint.

3. Every householder of any housing accommodation in any area of Canada shall furnish to the Real Property Administrator, or to such person or persons as he may from time to time designate, such information in such form and manner as such Administrator may prescribe.

4. (1) Notwithstanding the terms, provisions, covenants, or restrictions of any law, by-law, conveyance, deed, agreement or lease now or hereafter prevailing which in any way prohibits, limits or restricts the letting or subletting of the whole or any portion of any housing accommodation, every householder shall, with respect to housing accommodation situated in any of the areas named in the Schedule hereto, have the right subject to the provisions of any Order made by or under the authority of the Board,

- (a) to share the possession of such housing accommodation with such person or persons as he may see fit; and
- (b) to let or sublet such portion or portions of such housing accommodation as are not required by him and the members of his family, to such person or persons as he may see fit.

(2) The Real Property Administrator may, in his discretion, exempt or exclude any person or housing accommodation, or the whole or part of any area named in the Schedule hereto from the provisions of this Section, and may designate any additional municipality or part thereof as being subject to the provisions of this Section.

5. This Order shall be effective on and after the 4th day of November, 1942.

Made at Ottawa, the 20th day of October, 1942.

DONALD GORDON,  
*Chairman.*

**SCHEDULE**

The following cities and towns and any town or village situated within a radius of twenty-five miles from the limits of any such city

*Alberta*

Calgary  
Camrose  
Claresholm  
Drumheller  
Edmonton  
Grande Prairie  
Lethbridge  
Medicine Hat  
Red Deer

*British Columbia*

Esquimalt  
Nanaimo  
New Westminster  
North Vancouver  
Prince Rupert  
Vancouver  
Victoria



**A.—Wartime Prices and Trade Board—continued***Manitoba*

Brandon  
Dauphin  
St. Boniface

*New Brunswick*

Fredericton  
Moncton  
Saint John  
Sussex

*Nova Scotia*

Dartmouth  
Halifax  
New Glasgow  
Sydney  
Truro  
Yarmouth

*Ontario—Conc.*

Midland  
Niagara Falls, Fort Erie  
Oshawa and Whitby  
Ottawa  
Parry Sound  
Pembroke  
Peterborough  
Prescott  
Sault Ste. Marie  
St. Catharines  
Smiths Falls  
Stratford  
Toronto  
Welland  
Windsor

*Ontario*

Barrie  
Belleville and Trenton  
Bowmanville  
Brampton  
Brantford  
Brockville  
Carleton Place  
Chatham  
Cornwall  
Fort William and Port Arthur  
Galt  
Gananoque  
Goderich  
Guelph  
Hamilton  
Kingston  
Kitchener and Waterloo  
London

*Quebec*

Arvida; Chicoutimi; Jonquière  
and Kénogami  
Brownsburg; Thetford Mines  
Cap de la Madeleine  
Hull  
Lachute; Ste. Thérèse de Blainville; Ste. Rose; St. Jérôme  
Montreal; Outremont; Westmount; Lachine; Verdun  
Quebec  
Sherbrooke  
Three Rivers  
Valleyfield

*Saskatchewan*

Regina  
Saskatoon  
Swift Current  
Yorkton

NOTE.—The provisions of Order No. 200 were extended to the following additional areas by the following Administrators Orders:

*British Columbia:**Order No.*

Saanich, Oak Bay, Veddar Crossing, Cultus Lake;  
Sardis, Vernon ..... A-520

*Manitoba:*

Winnipeg ..... A-520

*Ontario:*

Aylmer ..... A-664

Sudbury ..... A-520

Townships of Etobicoke, York, North York, East York,  
Scarboro ..... A-875

*Quebec:*

St. Joseph d'Alma ..... A-700

Saint Jean, Sorel ..... A-729

**A.—Wartime Prices and Trade Board—*continued*****WARTIME PRICES AND TRADE BOARD****Order No. 414****Introductory Note to Order 414 as Amended****Maximum Prices for Goods**

Board Order 414 has, since it became effective on October 2, 1944 been one of the chief price control Orders of the Board. It set up the pricing procedures to be followed by manufacturers, importers, wholesalers and retailers and applied to practically all classes of goods and services.

Since October, 1944 numerous changes in Board organization and pricing policies have occurred and it is now desirable that Order 414 be brought up-to-date so that the wording thereof may more clearly apply to the provisions and conditions now effective.

The pricing procedures provided for in the original Order 414 have been, in many cases, simplified in the intervening months and in the re-writing of the Order these simplifications have been taken into account.

Still other sections of the Order have been slightly altered in phraseology merely for purposes of clarity.

The main purposes and intent of the Order remain unchanged and only in a few cases do the changes have any direct effect on the application of the Order by the business community. The points which are so changed are specifically referred to in the following paragraphs.

**Part II—MANUFACTURERS**

Section 27 which established the procedure to be followed by new entrants into the business of manufacturing goods in Canada has been re-written and henceforth new entrants into the manufacturing business should be governed particularly by the terms of the new Section 27 which appears in the following pages.

**Part III—WHOLESALEERS OF DOMESTIC AND IMPORTED GOODS**

Section 39 of the original Order has been re-written and the new Sections 38 and 39 are drawn to the particular attention of new entrants into the business of wholesaling goods whether manufactured in Canada or imported.

During the year 1946 the Board has issued two Orders namely A-2000 (as amended) dealing with maximum wholesale and retail prices of specified goods wholly or partly manufactured in Canada and Order A-2041 (as amended) regarding maximum wholesale and retail prices of specified imported goods. While these two Orders establish the maximum prices at wholesale for all wholesalers of the goods specified in the Schedules to the Orders, it is drawn to the particular attention of new entrants in the wholesale business that under Section 39 as re-written in the following pages new entrant wholesalers are nevertheless required to file their prices established under such Orders with the Administrator of Distributive Trades.

**A.—Wartime Prices and Trade Board—continued****Part IV—RETAILERS**

Section 41 of Order 414 as originally issued provided that retailers who intended to sell any goods the maximum price for which had not been established by any of the provisions of Section 40 might price such goods either as equivalent in usefulness, durability, serviceability and intrinsic worth to other standard goods of the retailer or if he had no such comparable standard goods he might price the goods on the basis of identical goods offered for sale by a competitor. Both these provisions are now withdrawn.

Orders A-2000 (as amended) and A-2041 (as amended) provide the pricing procedure to be followed by retailers in regard to something over 600 classes and kinds of goods. The goods specified in the Schedules to these two Orders may, therefore, now be priced under the terms of Section 40, subsection (1) paragraph (b) but may not, in future, be priced by comparison with the retailer's own standard goods or with the goods of his competitor.

Since the above mentioned Orders provide a simple pricing procedure for the greater part on goods ordinarily sold by retailers, it has been considered advisable to require a retailer who desires to sell any goods not now priced by any of the three methods referred to in Section 40 to make application to the Board through the nearest office of the Board for the establishing of maximum prices on such goods.

Particular attention is drawn to Section 42 as re-written in the following pages which provides that if a retailer is in any doubt as to whether or not the price of any particular goods has been fixed under Section 40 he shall make application as referred to in Section 41.

Section 47 of the original Order 414 is also re-written so as to require new entrants into the retail business to make application to the Board for the establishment of ceiling prices on any goods the maximum price for which has not been established by a Board Order, an Administrator's Order or by a Price Notification issued by or under authority of the Board. In other words, a new entrant into the retail business may not now establish his prices by comparison with the prices of his competitors on the same goods as was previously provided for in Section 47, subsection (3) of the original Order.

The amendments to Board Order No. 414 were made effective by Board Order No. 667 which came into effect on November 15, 1946. The Consolidated Order is reprinted in full on the following pages.

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**OFFICE CONSOLIDATION****WARTIME PRICES AND TRADE BOARD****Order No. 414****Maximum Prices for Goods**

*(Consolidated as amended by Board Orders Nos. 667 and 677)*

It being desirable to amplify and otherwise amend Order No. 214 of the Board and to consolidate the Order as amended.

Therefore, under powers given to the Board by the Wartime Prices and Trade Regulations, being Order in Council P.C. 8528, dated November 1, 1941, and amendments, the Board hereby orders as follows:

1. Orders Nos. 143, 185 and 214 of the Board and Administrator's Order No. A-1223 are hereby revoked and are replaced by this Order. Notwithstanding the revocation of Orders Nos. 143, 185 and 214, however, no person shall sell or offer to sell any goods at a price in excess of the maximum price in effect on October 2, 1944, fixed, approved or concurred in by or under any of those Orders on sales by him of those goods.

2. This Order shall come into force on October 2, 1944.

**PART I—GENERAL PROVISIONS**

3. In this Order,

- (a) "Administrator" means a person appointed by the Board as an Administrator or a Co-Ordinator and includes a Deputy Administrator or Deputy Co-Ordinator appointed by the Board;
- (b) "basic period" means the four weeks from September 15, 1941, to October 11, 1941, both inclusive;
- (c) "business" means any activity or undertaking in which any goods are produced, manufactured, extracted, refined, processed, finished, converted, assembled, distributed, sold or otherwise dealt in;

**A.—Wartime Prices and Trade Board—continued**

- (d) "Chairman" means Chairman of the Wartime Prices and Trade Board and includes a Deputy Chairman;
- (e) "Commodity Administrator" means the Administrator having jurisdiction in respect of any particular goods, except the Administrator of Distributive Trades;  
(*Clause (e) as amended by Order No. 667*)
- (f) "goods" includes any articles, commodities, substances or things;
- (g) "manufacturer" means any person who makes, processes, finishes, assembles or otherwise manufactures goods and the words "manufacture" and "manufactured" shall each have a corresponding meaning;
- (h) "new entrant in business" means any person who forms or commences a business on or after October 2, 1944, whether or not he owns another business; and any person who, on or after October 2, 1944, opens a new place of business, shall be deemed to be a new entrant in business in respect of that new place of business; and the word "person" includes any person acting in trust for or on behalf of any other person;
- (i) "new owner" means any person who, on or after October 2, 1944, acquires the ownership of an existing business; and the word "person" includes any person acting in trust for or on behalf of any other person;
- (j) "Prices and Supply Representative" means a person appointed as such by the Board and includes any person authorized to act for such representative;
- (k) "standard goods" means goods the maximum price for which or maximum markup on which, in respect of the person selling them, is fixed
  - (i) by Section 7 of the Wartime Prices and Trade Regulations, or
  - (ii) by or under an Order issued by or under authority of the Board or issued by another price-fixing authority with the concurrence of the Board, or otherwise fixed by or under authority of the Board, or
  - (iii) by or under authority of this Order;
 (*Clause (k) as amended by Order No. 667*)
- (l) "trade description" means any brand, mark, name or other descriptive term or identification commonly applied to any goods by the manufacturer or distributor thereof to distinguish them from other goods;
- (m) "wholesaler" means a person, including a jobber, distributor, importer or other dealer who in the ordinary course of business sells at wholesale goods not manufactured by him, and includes a manufacturer to the extent that he sells at wholesale any goods not manufactured by him.

4. This Order, other than Sections 48 and 50, shall not apply to used goods, scrap goods or goods sales of which are suspended from all maximum prices fixed by or under authority of the Wartime Prices and Trade Regulations.

(*Section 4 as substituted by Order No. 667*)

5. (1) No person shall sell or offer to sell any goods which are not his standard goods (defined in clause (k) of Section 3) until the maximum price at which he may sell the goods has been fixed under the provisions of this Order and he has complied with such provisions in all respects.



**A.—Wartime Prices and Trade Board—continued**

(2) No person shall buy or offer to buy from any seller any goods if he knows or has reason to believe that the goods are not the seller's standard goods.

(3) Any person who, prior to October 2, 1944, has sold any goods the maximum price for which on sales by him was not fixed by Section 7 of the Wartime Prices and Trade Regulations, was not fixed or required to be fixed by or under Order No. 214 (respecting Consumer Goods) or any other Order issued by or under authority of the Board or by another price-fixing authority with the concurrence of the Board may continue to sell such goods at a price not exceeding the highest lawful price at which he sold identical goods in the period from October 12, 1941, to September 15, 1944, subject to any action of an Administrator under the authority of Section 48.

6. No person shall cease to use or in any way alter the trade description of any goods he sells except with the written consent of the Administrator concerned.

7. No person selling any goods shall introduce into his normal trade practice any additional transaction in the distribution of his goods in such a way as to increase the cost thereof to any subsequent buyer.

8. Jurisdiction over sales of some goods at wholesale or at retail has been or may be assigned to a Commodity Administrator instead of the Administrator of Distributive Trades. In case of sales of such goods, references in this Order to the Administrator of Distributive Trades are to be construed as references to that Commodity Administrator.

*(Section 8 as substituted by Order No. 667)*

9. (1) Every manufacturer, wholesaler and retailer shall observe the following requirements:

- (a) In each season, every manufacturer shall continue to produce and every wholesaler and retailer shall continue to deal in goods that are similar in usefulness, durability, serviceability and intrinsic worth to, and in approximately the same price ranges as, goods he produced or dealt in, respectively, in the corresponding season of 1941.
- (b) Every manufacturer, wholesaler and retailer shall maintain in each price range of his goods a volume which bears the same proportion to the total volume of the goods respectively produced or dealt in by him as the volume in that price range bore to the total volume of goods respectively produced or dealt in by him in 1941; provided however, that he may decrease the proportion which the volume of his goods in his higher price ranges bears to the total volume of his goods.
- (c) If a manufacturer finds it necessary to decrease the proportion which his volume of production in his lower price ranges bears to his total production, due to his inability to obtain the necessary materials or substitute materials, such decrease shall not be a contravention of this Section if he immediately reports such inability to the Commodity Administrator.
- (d) If a wholesaler or retailer finds it necessary to decrease the proportion which his volume of goods in his lower price ranges bears to his total volume of goods due to his inability to obtain such goods or substitute goods, such decrease shall not be a contravention of this Section.

**A.—Wartime Prices and Trade Board—continued**

(2) If a decrease by a manufacturer, wholesaler or retailer in the proportion which his volume of goods in his lower price ranges bears to his total volume of goods is due to any Order of the Board or of an Administrator or of other authority prohibiting or restricting production, such decrease shall not be a contravention of this Section.

(3) If any Order required a manufacturer to restrict his production of goods described in that Order to kinds, models or types specified in the Order and that Order is revoked, the manufacturer may continue to restrict his production to those kinds, models or types, provided that he maintains in each price range a volume which bears the same proportion to the total volume of the goods produced by him as resulted from his compliance with the requirements of that Order. In such case, that production shall not be contravention of this Section.

(4) The Commodity Administrator in respect of manufacturers, and the Administrator of Distributive Trades in respect of wholesalers and retailers may, upon application, or on his own initiative, give directions in writing to any person, varying the requirements of subsection (1) and any direction as to production or distribution given before October 2, 1944, by an Administrator shall continue in effect until cancelled.

*(Subsection (4) as amended by Order No. 667)*

*Goods Made to Order and Special Cases*

**10.** (1) Maximum prices of goods not identical in every respect, including trade description with the standard goods of the manufacturer or wholesaler and which are of the type set forth in clauses (a), (b) and (c) following, shall be governed by this Section instead of Sections 13 and 14, or Section 30:

- (a) goods of a capital or durable nature that are manufactured to order for or to the specifications of the user for the purpose of the production, transportation or distribution of other goods or services but which are not consumed in such production, transportation or distribution except to the extent of wear and tear;
- (b) goods to be sold to a manufacturer as component parts of any goods referred to in clause (a) preceding or as component parts of any goods intended for export, either in the same form or after further manufacture, unless such goods are also offered for sale for civilian use in Canada;

*(Clause (b) as amended by Order No. 667)*

- (c) such other goods as the Chairman, or such person as he may from time to time appoint, may designate by notice published in *Statutory Orders and Regulations* or otherwise designate in writing.

*(Clause (c) as amended by Order No. 667)*

(2) The maximum price at which a manufacturer or wholesaler may sell or offer to sell goods of a kind referred to in subsection (1) shall be determined by reference to the lawful maximum price fixed for goods of the same class and kind

- (i) by Section 7 of the Wartime Prices and Trade Regulations or
- (ii) by or under an Order issued by or under authority of the Board or issued by another price-fixing authority with the concurrence of the Board, or otherwise fixed by or under authority of the Board,  
or
- (iii) by or under authority of this Order.

**A.—Wartime Prices and Trade Board—continued**

If the manufacturer or wholesaler did not sell goods of the same class and kind in the period from October 12, 1941, to September 15, 1944, then his maximum price shall be determined by reference to the lawful price charged by other manufacturers or wholesalers for goods of the same class and kind.

(3) In any case where he deems it to be necessary, an Administrator may direct a manufacturer or wholesaler to make the application referred to in Sections 14 or 30, as the case may be.

**11.** (1) If any person manufactures any goods, other than goods referred to in Section 10 or goods which are component parts of other goods, to the order and specifications of and for sale by a customer in such circumstances that the customer has the exclusive right of sale of the goods, the pricing of the goods shall be governed by this Section.

(2) If such customer in selling the goods represents himself as the manufacturer of the goods or is the manufacturer of other goods,

(a) the person who in fact manufactures shall not (i) deliver any of the goods at a price exceeding his lawful maximum price therefor or (ii) deliver any of the goods for which his lawful maximum price has not been fixed, until he has made an application to the Commodity Administrator, has furnished all information required by that Administrator and that Administrator has approved or fixed the price at which he may deliver the goods; and

(b) the customer shall make any application and perform such acts as are required of a manufacturer by Sections 13 to 22 inclusive.

If the customer's label on or attached to the goods does not disclose that the goods were manufactured for him by another person, the customer shall, for the purposes of this subsection, be regarded as representing himself as the manufacturer of the goods.

*(Subsection (2) as amended by Order No. 667)*

(3) If such customer is a wholesaler who is acquiring the goods for sale to other wholesalers and retailers, or if he is a retailer, the person who in fact manufactures the goods shall be regarded as the manufacturer for the purposes of this Order and shall make any application and perform such acts as are required of a manufacturer by Sections 13 to 18 inclusive and Sections 20 to 22 inclusive. The maximum prices or maximum markups at which the customer and other persons may sell the goods shall be fixed or varied concurrently in the manner described in the appropriate Sections referred to, and the customer and other persons shall perform such acts as are required by them by those Sections.

**PART II—MANUFACTURERS**

**12.** The maximum price at which a manufacturer may sell or offer to sell any goods manufactured by him may be fixed

(a) by Section 7 of the Wartime Prices and Trade Regulations (which Section established as ceiling prices lawful maximum prices obtained in the basic period), or

(b) by or under an Order issued by or under the authority of the Board or issued by another price-fixing authority with the concurrence of the Board, or otherwise fixed by or under authority of the Board (and whenever a manufacturer's maximum price has been fixed by such an Order, his basic period maximum price will no longer apply while the Order is in force), or



**A.—Wartime Prices and Trade Board—continued**

- (c) by or under authority of this Order (and if fixed under authority of this Order the manufacturer will receive a notice or direction from the Board);

and if the maximum price at which a manufacturer may sell any particular goods manufactured by him is not fixed in any of the foregoing ways, he must obtain fixation of his maximum price for such goods under the provisions of this Part. Any goods the maximum price for which has been fixed in any way are thereafter to be regarded as his *Standard* goods.

*(Section 12 as amended by Order No. 667)*

*Fixation of Maximum Price for Dissimilar Goods*

13. Whenever a manufacturer produces any goods (hereinafter referred to as dissimilar goods) which are not identical in every respect, including trade description, with his standard goods, and which are not goods referred to in Section 10, he shall not sell or offer to sell such dissimilar goods unless and until the maximum price at which he may sell such goods has been fixed under this Order and he has complied with the provisions of this Order in all respects.

14. The manufacturer of the dissimilar goods shall make an application to the Commodity Administrator, on a form provided by the Board, to fix the maximum price of the dissimilar goods and shall furnish all information required in or by such form and in the manner required.

15. (1) If the Commodity Administrator is of the opinion that the goods referred to in the application submitted under Section 14 serve the same purpose as the manufacturer's most nearly comparable standard goods, and are equivalent thereto in usefulness, durability, serviceability and intrinsic worth, he shall direct that the maximum price at which such dissimilar goods may be sold by the manufacturer and by wholesalers and retailers shall be the same as the maximum price at which the most nearly comparable standard goods of the manufacturer may be sold by him and such wholesalers and retailers, respectively, and a notice shall be sent to the manufacturer by or on behalf of the Board setting forth such directions.

*(Subsection (1) as amended by Order No. 677)*

*(Subsection (2) deleted by Order No. 667)*

(2) The Commodity Administrator may by direction in writing require that such dissimilar goods be given that trade description by which the manufacturer has designated the most nearly comparable standard goods referred to in subsection (1) or, where the use of such trade description might be likely to cause deception or confusion, the Commodity Administrator may by direction in writing require that such dissimilar goods be given a different trade description or be otherwise identified.

(3) When the manufacturer receives the notice referred to in subsection (1) preceding, he shall, at or before the time of shipping to any of his customers any of the goods referred to in the notice, inform that customer as to the directions contained in the notice by sending to him a printed or written notification giving the trade description of the dissimilar goods and the trade description of the standard goods and stating that all sellers' maximum prices for the dissimilar goods shall be the same as their maximum prices for the standard goods.

*(Subsections (3) and (4) renumbered subsections (2) and (3) by Order No. 667)*

**A.—Wartime Prices and Trade Board—continued**

**16.** (1) If the Commodity Administrator is of the opinion that the goods referred to in the application submitted under Section 14 do not serve the same purpose as the manufacturer's most nearly comparable standard goods or are not equivalent thereto in usefulness, durability, serviceability and intrinsic worth, or if there are no such nearly comparable standard goods, he shall (unless production of the goods is contrary to the requirements of Section 9 of this Order or the requirements of any Order) fix the maximum price therefor on sales by the manufacturer to each class of customer mentioned by him in his application. If the goods are to be sold at wholesale or at retail, the Administrator of Distributive Trades shall, for each class of wholesalers and retailers, fix the maximum prices or the maximum markups on sales of such goods at wholesale and at retail respectively.

*(Subsection (1) as amended by Order No. 667)*

(2) When the fixations have been made, a notice in writing shall be sent to the manufacturer by or on behalf of the Board, setting forth the said maximum prices and maximum markups.

*(Subsection (2) as substituted by Order No. 667)*

(3) The trade description of such dissimilar goods shall differ from that of any other goods produced or sold by the said manufacturer. In any case in which the trade description of such dissimilar goods might be likely to cause deception or confusion, the Commodity Administrator may by direction in writing require that means be adopted to avoid the same and may specify the means.

**17.** Whenever a manufacturer's maximum price for any dissimilar goods has been fixed under Section 16 and he has received the notice referred to in that Section, he shall, at or before the time of shipping any of those goods to any of his customers, inform that customer as to the price fixations or directions contained in that notice by sending to him a printed or written notification completed in accordance with the appropriate form in the Appendix to this Order or in a form approved by the Commodity Administrator.

**18.** When a manufacturer has sent to a customer a notification as required by Section 15 or Section 17, no further notification need be sent on further sales of those goods to that customer.

*(Section 18 as substituted by Order No. 667)*

**19.** On the first sale of dissimilar goods to each wholesaler and retailer, the manufacturer shall clearly mark on the invoice covering the sale that they are dissimilar goods and may use the expression "new" for that purpose; but, on further sales of those goods to the same wholesaler or retailer, invoices need not be so marked.

*Variation of Maximum Prices for Standard Goods*

**20.** (1) Whenever the manufactured cost of any standard goods increases so that the lawful maximum price does not provide a reasonable markup for the manufacturer and he can demonstrate financial need, he may make application to the Commodity Administrator for consideration of his case. The application shall be on a form provided by the Board and all information required in or by such form shall be furnished and in the manner required.

(2) If the Commodity Administrator is of the opinion that the manufacturer's maximum price for the standard goods referred to in an applica-

**A.—Wartime Prices and Trade Board—continued**

tion should be varied, he shall fix the new maximum price on sales of the goods by the manufacturer to each class of customer mentioned by him in his application. If the goods are sold at wholesale or at retail, the Administrator of Distributive Trades shall, for each class of wholesalers and retailers, fix the maximum prices or maximum markups on sales of such goods at wholesale and at retail respectively. All such fixations shall be submitted to the Chairman for approval.

*(Subsection (2) as substituted by Order No. 667)*

(3) When the fixations have been approved by the Chairman, a notice shall be sent to the manufacturer by or on behalf of the Board, setting forth the maximum prices and maximum markups that have been fixed.

*(Subsection (3) as substituted by Order No. 667)*

(4) An application shall be made under this Section whenever

- (a) the quantity of the goods in any container is varied by a change in the size of the container or is otherwise varied, or
- (b) it is desired to impose or alter any terms or conditions of sale in Canada or any part of Canada, unless as a result the laid-in cost of the goods to the buyer is reduced.

*(Clause (b) as substituted by Order No. 667)*

**21.** (1) Whenever a manufacturers' maximum price for any standard goods has been varied under Section 20 and he has received the notice referred to in that Section, he shall, at or before the time of shipping any of those goods to any of his customers, inform that customer as to the price fixations or directions contained in that notice by sending to him a printed or written notification completed in accordance with the appropriate form in the Appendix to this Order or in a form approved by the Commodity Administrator.

*(Subsection (2) deleted by Order No. 667)*

(2) When the manufacturer has sent to a customer a notification as required by this Section, no further notification need be sent on further sales of those goods to that customer.

*(Subsection (3) renumbered subsection (2) by Order No. 667)*

**Price Fixations for Limited Period**

**22.** (1) Maximum prices for and maximum markups on standard goods and on dissimilar goods referred to in this Part may be fixed for a limited period to be determined by the Commodity Administrator.

(2) Whenever the maximum price for or maximum markup on any goods has been fixed for a limited period, the manufacturer of such goods shall, not later than thirty days before the expiration of such period, make application to the Commodity Administrator for a review of such maximum price or markup; and every such application shall be on a form provided by the Board. The application shall show wherein any of the particulars set forth in the application made under Section 14 or Section 20 are at variance with the actualities experienced during that limited period.

(3) When the manufacturer has made application for review under this Section, he may continue to sell the goods concerned at the existing lawful maximum price unless the Commodity Administrator otherwise directs by notice in writing.



**A.—Wartime Prices and Trade Board—continued**

(4) The Commodity Administrator, with the approval of the Chairman in the case of standard goods, may confirm or vary the maximum price for markup previously fixed with or without limit as to time. If a further limited period is specified, the provisions of subsections (2) and (3) preceding shall apply. If the Commodity Administrator varies the maximum price or markup, the Administrator of Distributive Trades may take any action he deems necessary in respect of sales at wholesale and at retail.

*(Subsection (4) as amended by Order No. 667)*

*Change in Business Name*

**23.** The maximum price at which a manufacturer who changes the name under which he operates his business may sell or offer to sell the goods produced by him shall be the maximum price at which he could lawfully sell those goods if he had not changed such name.

*New Owner of a Business*

**24.** If a manufacturer who is the new owner of a business manufactures goods that are not identical in every respect, including trade description, with the standard goods manufactured by the former owner of the business, the goods shall be deemed to be dissimilar goods manufactured by the new owner and the provisions of Sections 13, 14, 15, 16, 17, 18, 19 and 22 shall apply and the standard goods referred to in those Sections shall be deemed to mean the standard goods of the former owner of the business.

**25.** If a manufacturer who is the new owner of a business manufactures goods that are identical in every respect, including trade description, with the standard goods manufactured by the former owner, he may, subject to Section 26, sell those goods at a price not exceeding the maximum price at which such former owner could lawfully sell the goods if he had continued to operate the business. (Every new owner must however, obtain a licence from the Board under Order No. 202, or any Order replacing that Order, before he may sell any goods.)

**26.** (1) A manufacturer who is the new owner of a business shall, within thirty days after becoming such new owner, file with the Commodity Administrator

- (a) a list showing each of the identical goods referred to in Section 25 that he manufactures or proposes to manufacture and, opposite each of the listed goods, shall state the maximum price at which the former owner of the business could lawfully sell the goods to the extent that he is able to ascertain that maximum price and
- (b) a list showing such of the goods the former owner's maximum price for which he does not know and, opposite each of such listed goods, shall state the maximum price at which he proposes to sell the goods.

(2) To the lists referred to in subsection (1) preceding, the new owner shall attach an application to the Commodity Administrator for approval of the prices shown in the lists. After filing the application, the new owner may continue to sell the listed goods filed under clause (a) of subsection (1) at prices not exceeding the listed maximum prices unless the Commodity Administrator otherwise directs by notice in writing. The new owner, however, shall not sell any listed goods filed under clause (b) of subsection (1) until the Commodity Administrator has fixed the maximum

**A.—Wartime Prices and Trade Board—continued**

price by approving the listed price or fixing a different maximum price by notice in writing. No new owner, however, who fails to comply with this Section shall sell or offer to sell any goods after the expiration of the thirty days mentioned in subsection (1) preceding.

*(Subsection (3) deleted by Order No. 667)*

*New Entrant in Business*

**27.** If a new entrant in business manufactures goods the maximum price for which on sales by manufacturers is not fixed by a Board Order or an Administrator's Order, he shall make an application to the Commodity Administrator to fix the maximum price for the goods on sales by him and shall comply with Sections 13 and 14. When maximum price or markup fixations have been made by the Commodity Administrator and Administrator of Distributive Trades, the manufacturer shall comply with Sections 16, 17 and 19 (and with Section 22 if the fixation is for a limited period). (Note: before selling any goods, a new entrant in business must obtain a licence from the Board under Order No. 600.)

*(Section 27 as substituted by Order No. 667)*

**PART III—WHOLESALE OF DOMESTIC AND IMPORTED GOODS**

(Note: Throughout this Part, it is indicated that jurisdiction lies with the Administrator of Distributive Trades: however, Section 8 provides that wherever jurisdiction over sales by wholesalers has been or may be transferred to a Commodity Administrator, references to the Administrator of Distributive Trades in this part will be construed as references to that Commodity Administrator. All existing arrangements of this kind are to be continued until instructions to the contrary are issued.)

*(Note as amended by Order No. 667)*

**28.** (1) The maximum price at which a wholesaler may sell or offer to sell any domestic or imported goods may be fixed

- (a) by Section 7 of the Wartime Prices and Trade Regulations (which Section established as ceiling prices the lawful maximum prices obtained in the basic period), or
- (b) by or under an order issued by or under authority of the Board or issued by another price-fixing authority with the concurrence of the Board, or otherwise fixed by or under authority of the Board (and, whenever the maximum price or maximum markup on sales at wholesale is fixed by such an order, the basic period maximum price will no longer apply while the order is in force), or
- (c) by or under authority of this Order (and if fixed under authority of this Order the wholesaler may receive a notification from his supplier or a direction or notice from the Board and the wholesaler must adopt the maximum price or maximum markup set forth in the notification, direction or notice);

and if the maximum price or maximum markup at which a wholesaler may sell any particular goods is not fixed in any of the foregoing ways, he must establish his maximum price or maximum markup in accordance with the provisions of this Part.

*(Subsection (1) as amended by Order No. 667)*

**A.—Wartime Prices and Trade Board—continued**

(2) Any goods the maximum price for which or the maximum markup on which is fixed in any way referred to in subsection (1) or established in accordance with Sections 29 to 32 inclusive are to be regarded thereafter as the wholesaler's *standard goods*.

*(Subsection (2) as amended by Order No. 667)*

**29.** (1) The maximum price at which any wholesaler may sell or offer to sell any goods designated from time to time by the Administrator of Distributive Trades and which are similar in usefulness, durability, serviceability and intrinsic worth to his standard goods shall be the same as the lawful maximum price at which the wholesaler may sell such standard goods.

*(Subsection (1) as amended by Order No. 667)*

(2) Every designation by the Administrator of Distributive Trades under this Section shall be by notice signed by him, countersigned by the Chairman of the Board.

*(Subsection (2) as amended by Order No. 667)*

**30.** (1) Whenever a wholesaler acquires for re-sale any goods (hereinafter referred to as dissimilar goods) which are not identical with his standard goods (see subsection (2) of Section 28), and are not goods referred to in Section 10 or Section 29, he shall not sell or offer to sell such dissimilar goods unless and until the maximum price or maximum markup at which he may sell such goods has been fixed under this Order and he has complied with the provisions of this Order in all respects.

(2) The wholesaler shall make an application to the Administrator of Distributive Trades, on a form provided by the Board, to fix the maximum price for the dissimilar goods and shall furnish all information required in or by such form and in the manner required. The application may be filed at the nearest office of the Board.

*(Subsection (2) as amended by Order No. 667)*

**31.** (1) If the Administrator of Distributive Trades is of the opinion that the goods referred to in the application submitted under Section 30 are dissimilar goods, he shall fix the maximum price or maximum markup on sales of such goods by each class of wholesaler mentioned in the application (unless production of the goods is contrary to the requirements of Section 9 of this Order or the requirements of any other Order or unless the Administrator believes that the maximum price at which the wholesaler's supplier in Canada may sell the goods has not been fixed or established). If the goods are to be sold at retail and if the Administrator of Distributive Trades is of the opinion that he should fix at the same time the maximum price or markup on the sale of such goods at retail, he shall fix the maximum prices or maximum markups on sales of such goods at retail. When the fixations have been made, a notice shall be sent to the wholesaler by or on behalf of the Board, setting forth the said maximum prices or maximum markups.

*(Subsection (1) as amended by Orders Nos. 667 and 677)*

*(Subsection (2) deleted by Order No. 667)*

**32.** (1) Whenever the cost of a wholesaler's standard goods that are imported by him into Canada becomes such that the lawful maximum price does not provide a reasonable markup thereon, the wholesaler may make application to the Administrator of Distributive Trades, on a form provided



**A.—Wartime Prices and Trade Board—continued**

by the Board, for consideration of such case. All information required in or by such form shall be furnished and in the manner required.

*(Subsection (1) as amended by Order No. 667)*

(2) If the Administrator of Distributive Trades is of the opinion that the importing wholesaler's maximum price for the standard goods referred to in the said application should be varied, he shall fix the new maximum price, therefor on sales by such wholesaler to each class of customer. If the goods are sold to other wholesalers and if the Administrator of Distributive Trades is of the opinion that the maximum prices on sales by such other wholesalers should be varied, he shall fix the maximum prices or maximum markups on sales by such other wholesalers. If the goods are sold at retail and if the Administrator of Distributive Trades is of the opinion that the maximum retail price should be varied he shall fix the maximum prices or the maximum markups on sales of such goods at retail. All such fixations shall be submitted to the Chairman for approval.

*(Subsection (2) as amended by Order No. 667)*

(3) When the Chairman has approved the fixation or fixations, a notice shall be sent to the importing wholesaler by or on behalf of the Board, setting forth the maximum prices and maximum markups that have been fixed.

*(Subsection (3) as substituted by Order No. 667)*

(4) An application shall be made by a wholesaler under this Section whenever

- (a) the quantity of any goods imported or packaged by him in any container is varied by a change in the size of the container or is otherwise varied, or
- (b) it is desired to impose or alter any terms or conditions of sale in Canada or any part of Canada, unless as a result the laid-in cost of the goods to the buyer is reduced.

*(Clause (b) as substituted by Order No. 667)*

**33.** (1) Under the provisions of Part II of this Order, any wholesaler who purchases goods from a manufacturer will receive a notification from that manufacturer setting forth maximum prices or maximum markups on sales of such goods at wholesale and at retail whenever (a) the maximum price for the manufacturer's standard goods has been varied, or (b) the maximum price for the manufacturer's dissimilar goods and maximum prices or maximum markups on sales of such goods at wholesale and at retail have been fixed, or (c) the maximum price for the manufacturer's dissimilar goods has been fixed for all sellers by relation to the maximum prices established on his most nearly comparable standard goods.

(2) Under the provisions of this Part, any wholesaler will receive a notice from the Board whenever, following an application by him, (a) a maximum price or maximum markup has been fixed on sales by him of dissimilar goods (see Sections 30 and 31), or (b) the maximum price or maximum markup at which he may sell his standard imported goods has been varied (see Section 32).

(3) Whenever a wholesaler receives from a manufacturer a notification of the kind described in clause (a) or clause (b) of subsection (1) or receives from the Board a notice of the kind described in subsection (2), he shall, at or before the time of shipping any of those goods to any of his customers, send a notification to that customer according to the appropriate Form in the Appendix to this Order. If a wholesaler receives from another

**A.—Wartime Prices and Trade Board—continued**

wholesaler a notification under this subsection, he shall at or before the time of shipping any of those goods to any of his customers send a corresponding notification to that customer.

*(Subsection (4) deleted by Order No. 667)*

(4) When the wholesaler has sent to a customer a notification as required by this Section, no further notification need be sent on further sales of those goods to that customer.

(5) Whenever a wholesaler first sells any dissimilar goods in respect of which he is required by this Section to send a notification to his customers, he shall clearly mark on the invoice covering the sale that they are dissimilar and may use the expression "new" for that purpose; but on further sales of those goods to the same customer invoices need not be so marked.

(6) The Administrator of Distributive Trades may approve or specify any alternative form of notification and/or invoicing that he considers proper and in accordance with the intent of this Section.

*(Subsection (6) as amended by Order No. 667)*

*(Subsections (5), (6) and (7) renumbered subsections (4) (5) and (6) by Order No. 667)*

**34.** Whenever a wholesaler receives from a manufacturer a notification of the kind referred to in clause (c) of subsection (1) of Section 33, he is not required to send any notification in respect thereof to his customers.

*Change in Business Name*

**35.** The maximum price at which a wholesaler who changes the name under which he operates his business may sell or offer to sell any goods shall be the maximum price at which he could lawfully sell those goods if he had not changed such name.

*New Owner of a Business*

**36.** Subject to Section 37 the maximum price at which a wholesaler who is the new owner of a wholesale business may sell or offer to sell any goods shall be the maximum price at which the former owner of the business could lawfully sell those goods at wholesale if he had continued to operate the business. (Every new owner must, however, obtain a licence from the Board under Order No. 202, or any Order replacing that Order, before he may sell any goods.)

**37.** (1) A wholesaler who is the new owner of a business shall, within thirty days after becoming such new owner, file at the nearest office of the Board a list showing each of the goods that he sells or proposes to sell and, opposite each of such goods, shall state the maximum price at which the former owner of the business could lawfully sell the goods to the extent that he is able to ascertain that maximum price and, to the extent that he is unable to ascertain that maximum price, shall state the maximum price, clearly differentiated, at which he proposes to sell the goods. Such list may be the proposed price-list or catalogue which he has prepared for distribution among his customers. The wholesaler shall furnish such additional information as the Administrator of Distributive Trades may specify.

(2) To the list referred to in subsection (1) preceding, the new owner shall attach an application to the Administrator of Distributive Trades for

**A.—Wartime Prices and Trade Board—continued**

approval of the prices shown on the list. After filing the application, the new owner may continue to sell the listed goods at prices not exceeding the listed maximum prices mentioned in subsection (1) unless that administrator otherwise directs by notice in writing. Subject to subsection (3) however, no new owner who fails to comply with this Section shall sell or offer to sell any goods after the expiration of the thirty days mentioned in subsection (1).

*(Subsection (2) as amended by Order No. 667)*

(3) The Administrator of Distributive Trades, upon application by the new owner, may exempt the new owner from the necessity of filing the list referred to in subsection (1) preceding and may by notice in writing give directions to the new owner as to the maximum prices or maximum markups at which the new owner may sell his goods.

*(Subsection (3) as amended by Order No. 667)*

*(Subsection (4) deleted by Order No. 667)*

*New Entrant in Business*

**38.** No new entrant in business shall sell or offer to sell any goods at wholesale unless and until the maximum price at which he may sell such goods has been fixed under this Order and he has complied with the provisions of this Order in all respects.

(Every new entrant in business, before proceeding to have his maximum prices fixed under this Order, must obtain a licence from the Board under Order No. 600).

*(Section 38 as amended by Order No. 667)*

**39.** (1) Such new entrant in business shall file with the Administrator of Distributive Trades, directly or through the nearest office of the Board, for approval a list showing each of the goods that he proposes to sell and, opposite each of such goods, the maximum price at which he proposes to sell the goods. Such list may be the proposed price-list or catalogue which he has prepared for distribution among his customers. The Wholesaler shall furnish such additional information as the Administrator of Distributive Trades may specify.

*(Subsection (1) as amended by Order No. 667)*

(2) The Administrator of Distributive Trades upon application of the new entrant in business, may exempt the new entrant in business from the necessity of filing the list referred to in subsection (1) preceding and may by notice in writing give directions to the new entrant in business as to the maximum prices or maximum markups at which he may sell his goods.

*(Subsection (2) as amended by Order No. 667)*

(3) The new entrant in business shall not sell or offer to sell any goods until he has received from the Administrator of Distributive Trades a notice in writing approving the said listed prices, or fixing or giving directions as to the maximum prices or maximum markups at which the new entrant in business may sell the listed goods. The prices approved or the prices or markups fixed in the notice shall be the maximum prices or maximum markups at which the new entrant in business may sell or offer to sell the goods referred to in the notice.

*(Subsection (3) as substituted by Order No. 667)*



**A.—Wartime Prices and Trade Board—continued****PART IV—RETAILERS**

(*Note.*—Throughout this Part, it is indicated that jurisdiction lies with the Administrator of Distributive Trades. Section 8, however, provides that wherever jurisdiction over sales by retailers has been or may be transferred to a Commodity Administrator, references to the Administrator of Distributive Trades in this Part will be construed as references to that Commodity Administrator. All existing arrangements of this kind are to be continued until instructions to the contrary are issued.)

(*Note as amended by Order No. 667*)

**40.** (1) The maximum price at which a retailer may sell or offer to sell any domestic or imported goods may be fixed,

- (a) by Section 7 of the Wartime Prices and Trade Regulations (which Section established as ceiling prices lawful maximum *prices* obtained in the basic period), or
- (b) by or under an order issued by or under authority of the Board or issued by an other price-fixing authority with the concurrence of the Board, or otherwise fixed by or under authority of the Board (and whenever the maximum price or maximum markups on sales at retail is fixed by such an order, the basic period maximum price will no longer apply while the order is in force), or
- (c) by or under authority of this Order (and if fixed under authority of this Order the retailer may receive a notification from his supplier or a direction or notice from the Board, and the retailer must adopt as his own, the maximum price or maximum markup set forth in the notification, direction or notice as if it had been fixed directly for him);

and, if the maximum price or maximum markup at which a retailer may sell any particular goods is not fixed in any of the foregoing ways, he must establish his maximum price for those goods in accordance with Sections 41, 42 and 43.

(*Subsection (1) as amended by Order No. 667*)

(*Subsection (2) deleted by Order No. 667*)

**41.** In regard to any goods the maximum price or maximum markup on which on sales by him is not fixed in any of the ways referred to in Section 40, a retailer shall make application at the nearest office of the Board for directions, and the Administrator of Distributive Trades or a Prices and Supply Representative shall fix the maximum price or maximum markup on sales of those goods by such retailer.

(*Subsection 41 as substituted by Order No. 667*)

**42.** In any case in which a retailer is in doubt as to whether the maximum price or maximum markup on sales by him has been fixed in regard to any goods, he shall make the application referred to in Section 41.

(*Section 42 as substituted by Order No. 667*)

**43.** Whenever a maximum price or maximum markup is fixed under Section 41, a notice shall be sent to the retailer by or on behalf of the Board, setting forth the maximum price or maximum markup that has been fixed.

(*Section 43 as substituted by Order No. 667*)

**A.—Wartime Prices and Trade Board—continued**

*Transactions Between Retailers*

**44.** (1) The maximum price at which a retailer may sell any goods purchased by him from another retailer in Canada shall be the gross price at which he so purchased the goods.

*(Subsection (1) as substituted by Order No. 667)*

(2) On every purchase referred to in subsection (1), the buyer shall demand from the seller and the seller shall forthwith furnish to the buyer a sales invoice or receipt showing the date of sale, the identity of the seller, and the gross price charged by the seller for the goods and the discount therefrom, if any, allowed by the seller to the buyer.

(3) The invoice or receipt referred to in subsection (2) shall, for a period of twelve months from the date of the transaction, be kept available by the buyer for inspection by any representative of the Board.

*Change in Business Name*

**45.** The maximum price at which a retailer who changes the name under which he operates his business may sell or offer to sell goods shall be the maximum price at which he could lawfully sell the goods if he had not changed such name.

*New Owner of a Business*

**46.** (1) The maximum price at which a retailer who is the new owner of a retail business may sell any goods shall be the maximum price at which the former owner of the business could lawfully sell those goods if he had continued to operate the business, unless the Administrator of Distributive Trades or a Prices and Supply Representative otherwise directs by notice in writing.

*(Subsection (1) as amended by Order No. 667)*

*(Subsection (2) deleted by Order No. 667)*

*New Entrant in Business*

**47.** If a new entrant in business proposes to sell at retail any goods the maximum price for which or maximum markup on which on sales at retail is not fixed by a Board Order or an Administrator's Order, or is not fixed under authority of this Order as evidenced by a notification he has received from his supplier of the goods, he shall make an application to the nearest office of the Board for directions, and the Administrator of Distributive Trades or a Prices and Supply Representative shall fix the maximum price or maximum markup on sales of those goods at retail by the new entrant in business and shall send a price notification to the new entrant. NOTE: Before selling any goods, a new entrant in business must obtain a licence from the Board under Order No. 600).

*(Section 47 as substituted by Order No. 667)*

**PART V—ADMINISTRATIVE PROVISIONS**

**48.** (1) Every Administrator may from time to time

- (a) review prices and markups and require such reductions in prices of markups as he may specify, and require any person to give such notice thereof to such other persons as he may specify;

**A.—Wartime Prices and Trade Board—continued**

- (b) require any person to furnish such information concerning any goods under the jurisdiction of the Administrator and in such manner as the Administrator may specify;
- (c) prescribe the price ranges within which any goods may be manufactured or dealt in by any person;
- (d) require, with the approval of the Chairman, any person owning or having possession, control or power to dispose of any goods to deal with, use, dispose of or supply all or part of such goods to such person or persons as he may specify and at such time or times and place or places and upon such terms and conditions as he may specify;
- (e) prescribe, with the approval of the Chairman, what person or persons shall constitute a class of buyer for the purposes of subsection (4) of Section 7 of The Wartime Prices and Trade Regulations, and what conditions of sale and quantities shall entitle a buyer to the benefit of such subsection (4), and what difference in price shall be allowed by any seller for the purpose of such subsection (4);
- (f) require any person to give such notification to his customers as the Administrator may specify;
- (g) fix, by order signed by the Administrator and countersigned by the Chairman of the Board, the maximum price or maximum markup at which any goods may be sold or offered for sale by any person, and prohibit purchase or sale at a price or markup in excess of the price or markup so fixed.

(2) Any of the powers of an Administrator under this Order may also be exercised by any other person to the extent that he may be authorized so to do by the Chairman.

49. Any notice required by this Order to be sent to any person may, in lieu thereof, be published in *Statutory Orders and Regulations*; and such publication shall, for the purposes of this Order, constitute receipt of that notice by that person.

(Section 49 as amended by Order No. 667)

50. Any person may appeal to the Administrator concerned from any decision by a Prices and Supply Representative. Any person may appeal to the Board from any decision, direction, prescription or requirement by an Administrator.

51. Fixations that are required by this Order to be approved by the Chairman may, in lieu thereof, be approved by the Secretary of the Board or by the Chief of the Prices Division of the Board or by any other person, appointed by the Chairman for such purposes.

52. (1) In any case in which it appears that any provision of this Order is impracticable with respect to any goods or that, by reason of special circumstances, it appears expedient to waive compliance with or give special directions as to any provision of this Order, the Chairman, Chief or Assistant Chief of the Prices Division may give any directions in writing and, without any prior notice of intention being necessary, may at any time withdraw or amend any directions. All action taken under this subsection shall be reported at a meeting of the Board.



**A.—Wartime Prices and Trade Board—continued**

(2) All waivers and special directions given by the Chairman under Order No. 214 shall continue in effect as if given under this Order until cancelled.

Made at Ottawa, this 15th day of September, 1944.

D. GORDON,  
*Chairman.*

**Appendix to Order 414**

(NOTE.—While the general form of the notifications that are to be sent is indicated herein, it is not necessary that the exact form be duplicated as long as all the essential information is included. In addition, Administrators may approve alternative methods of notification which will achieve the same results.)

**1. NOTICES BY MANUFACTURERS AND IMPORTERS:**

**(a) To Wholesalers and Retailers pursuant to Section 15**

*Notice re Prices*

The Wartime Prices and Trade Board, under P.N. No..... has given direction that:

(Trade Description, including Trade name, if any, of the dissimilar goods)  
may be sold by the manufacturer and by all wholesalers and retailers at no higher price than that at which they may lawfully sell

(Trade Description, including Trade name, if any, of the standard goods)

All other terms and conditions of sale, including any customary discounts in effect during the basic period, must be maintained.

**(b) To other Manufacturers pursuant to Sections 20 or 32.**

*Notice re Prices*

The Wartime Prices and Trade Board, under P.N. No..... has approved of the following price(s) for the goods described:

(Trade Description, including Trade name, if any, and Price(s))

The above price(s) is (are)..... (insert here the appropriate terms of sale, e.g., F.O.B. factory, sales tax included, etc.)

The authority does not permit a variation in your maximum price for the goods.

**(c) To Wholesalers pursuant to Sections 16, 20, 31 or 32.**

*Notice re Prices*

The Wartime Prices and Trade Board, under P.N. No..... has approved of the following price(s) for the goods described:

(Trade Description, including Trade name, if any, and Price (s))

The above price(s) is (are)..... (insert here the appropriate terms of sale, e.g., F.O.B. factory, sales tax included, etc.)

**A.—Wartime Prices and Trade Board—continued**

Your maximum price shall be

(Copy here from the notice which is sent by the Board to the manufacturer or importer that section which deals with the wholesaler's maximum price.)

Prior to or at the time of your first shipment of these goods to each retailer you are required to send a notice to him as follows:

*Notice to Retailers*

(Trade Description, including Trade name, if any, and price(s))

The above price(s) is (are) within the maximum price approved by the Wartime Prices and Trade Board and is (are) ..... (insert here the appropriate terms of sale, e.g., F.O.B. warehouse, sales tax included, etc.)

Your maximum price for these goods shall be

(Copy here from the notice which is sent by the Board to the manufacturer that portion which deals with the retailer's maximum price.)

(d) To Retailers pursuant to Sections 16, 20, 31 or 32.

*Notice re Prices*

The Wartime Prices and Trade Board, under P.N. No. .... has approved of the following price(s) for the goods described:

(Trade Description, including Trade name, if any, and Price(s))

The above price(s) is (are) ..... (insert here the appropriate terms of sale, e.g., F.O.B. factory, sales tax included, etc.)

Your maximum price(s) shall be

(Copy here from the notice which is sent by the Board to the manufacturer or importer that portion which deals with a direct-buying retailer's maximum price.)

**2. NOTICE BY WHOLESALERS TO RETAILERS PURSUANT TO SECTION 33.***Notice to Retailers*

(Trade Description, including Trade name, if any, and Price(s))

The above price(s) is (are) within the maximum price approved by the Wartime Prices and Trade Board and is (are) ..... (insert here the appropriate terms of sale, e.g., F.O.B. warehouse, sales tax included, etc.)

Your maximum price for these goods shall be

(Copy here from the notice which is sent by the Board to the wholesaler, or from the notification which is sent by his supplier to the wholesaler that portion which deals with the retailers maximum price.)

**A.—Wartime Prices and Trade Board—*continued***

**WARTIME PRICES AND TRADE BOARD**

**Order No. 425**

**Living Accommodation in Tourist Cabins and in Automobile-trailers**

*Explanatory Note:*

Due to wartime restrictions, tourist trade has been substantially curtailed throughout Canada and in many areas in which there is an acute shortage of housing accommodation tourist accommodations have been rented at daily tourist rates to resident war-workers and other persons contemplating comparatively lengthy occupancy. As these tourist accommodations are no longer being used for the purpose for which they were originally intended, it is in the national interest that they be treated as housing accommodations and be let at rentals comparable to rentals generally prevailing in the same locality for other housing accommodation.

Under powers given to the Board by the Wartime Leasehold Regulations, being Order in Council P.C. 9029, dated November 21, 1941, and amendments thereto,

**THE BOARD ORDERS AS FOLLOWS:**

1. For the purpose of this Order, unless the context otherwise requires, the definition of any expression contained in Order No. 294 of the Board shall extend and apply to the same expression in this Order.

2. Notwithstanding any definition to the contrary contained in any other Order of the Board, any accommodation in a tourist cabin or in any automobile-trailer shall be deemed to be housing accommodation for which no maximum rental has been fixed, as referred to in Section 10 of Order No. 294 of the Board, and to which the provisions of Order No. 294 relating to housing accommodation shall apply.

3. The Regional Rentals Officer may exempt any accommodation in a tourist cabin or in an automobile-trailer from the provisions of this Order if he is satisfied that the accommodation is kept available at all times for occupancy by bona fide tourists or travellers. For the purpose of this Section, "Regional Rentals Officer" means the person appointed as such by the Board for the area in which the accommodation is situated.

4. This Order shall apply to such areas as a Rentals Administrator may designate by notice published in Canadian War Orders and Regulations.

5. This Order shall come into force on the 29th day of July, 1944.

Made at Ottawa, this 26th day of July, 1944.

D. GORDON,  
*Chairman.*



**A.—Wartime Prices and Trade Board—*continued***

## OFFICE CONSOLIDATION

**WARTIME PRICES AND TRADE BOARD****Order No. 428****Termination of Leases for Shared Accommodation**

**(Consolidated as Amended by Orders Nos. 437, 477, 649, 713, 770, and 805)**

Since the requirements regarding dispossession of tenants of housing accommodation were removed from shared accommodation on October 1, 1943, by Order No. 294 of the Board, circumstances have developed that make it advisable in the national interest that those requirements be reinstated in regard to shared accommodation.

Therefore, under powers, given to the Board by the Wartime Leasehold Regulations, being Order in Council P.C. 9029, dated November 21, 1941, and amendments,

**THE BOARD HEREBY ORDERS AS FOLLOWS:**

**1.** For the purposes of this Order unless the context otherwise requires, the definition of any expression contained in Order No. 294 of the Board shall extend and apply to the same expression contained in this Order.

**2.** (1) The provisions of Part II and Part IV of said Order No. 294, except the provisions of Sections 14, 16 and 18 thereof, shall apply to any shared accommodation as if the accommodation were housing accommodation, unless the tenant thereof is a boarder.

*(Subsection (1) as substituted by Order No. 713)*

(2) Any notice to vacate, however, given before July 29, 1944, to the tenant of any shared accommodation in accordance with the law of the province in which the accommodation is situated shall remain in full force and effect.

**3.** (1) Notwithstanding anything contained in any Order of the Board a landlord may terminate a lease of any shared accommodation by giving to the tenant thereof a notice to vacate on a form provided by the Board if the landlord,

- (a) desires the accommodation as an enlargement of his personal residence; or
- (b) has made an agreement with his father, mother, son, daughter or daughter-in-law that the accommodation will be occupied as a personal residence by the person with whom the agreement has been made; and the notice shall contain a signed statement by the person with whom the agreement has been made that the accommodation will be so occupied by him and stating his name, address and relationship to the landlord;
- (c) as personal representative of the deceased landlord, has made an agreement with the father, mother, son, daughter, daughter-in-law, widower or widow of the deceased landlord that the accommodation will be occupied as a personal residence by the person with whom the agreement has been made; and the notice shall contain a signed statement by the person with whom the agreement has

**A.—Wartime Prices and Trade Board—continued**

been made that the accommodation will be so occupied by that person and stating his name, address and relationship to the landlord.

(2) Before giving any notice to vacate under this Section, the landlord shall file one copy of the notice with the Rentals Appraiser who shall record on the copy that is to be given to the tenant and on the copy that is to be retained by the landlord that the notice has been filed with him in accordance with this subsection.

(3) If the landlord gives to the tenant of any shared accommodation a notice to vacate in accordance with the provisions of this Order such notice shall be in substitution for any notice to vacate required by the law of the province in which the accommodation is situated and shall terminate the tenant's lease as of the date on which the tenant is directed to vacate by such notice and no further notice to vacate shall be required to be given by the landlord.

*(Section 3 as substituted by Order No. 770).*

4. Unless the lease provides for a longer notice, at least six months' notice to vacate shall be given directing the tenant to vacate

(a) in the case of a monthly lease, at the end of a lease month or, in the case of a weekly lease, at the end of a lease week;

*(Clause (a) as substituted by Order No. 649).*

(b) in the case of any other lease not for a term certain, at the end of a term or, if the unexpired portion of the term is less than six months, at the end of the following term;

(c) in the case of a lease for a term certain, at the end of the term; but, if the unexpired portion of the term is less than six months at the date on which the notice is given, the notice shall be null and void and the provisions of Section 19 of Order No. 800 of the Board shall apply.

*(Clause (c) as substituted by Order No. 805).*

5. (1) This Section applies to shared accommodation instead of Section 14 of Order No. 294. If the landlord of any shared accommodation wishes to terminate the tenant's lease because the conduct of the tenant or his sub-tenant or someone living with the tenant or sub-tenant is incompatible or obnoxious to the other occupant or occupants of the building in which the accommodation is situated, or tends to harm its character, or because the tenant or his sub-tenant or someone living with the tenant or sub-tenant is damaging the accommodation or because the tenant or sub-tenant by not taking reasonable care of it is causing it to deteriorate, the landlord may apply to the Court of Rental Appeals for an order exempting the lease from the provisions of this Order.

(2) The application shall be made in the following manner:

(a) a form of application provided by the Board shall be completed in duplicate by the landlord and all information required by such form shall be given;

(b) both copies of the application shall be filed with the Rentals Appraiser;

(c) the Rentals Appraiser shall ascertain from the Court of Rental Appeals the date of the hearing of the application;

**A.—Wartime Prices and Trade Board—continued**

- (d) the Rentals Appraiser shall forward by registered mail
  - (a) to the tenant a copy of the application and a notice stating the date on which the Court of Rental Appeals will hear the application, and
  - (b) to the landlord a notice stating the date on which the Court of Rental Appeals will hear the application;
- (e) the Rentals Appraiser shall forward to the Court of Rental Appeals all material filed on the application.

(3) On the hearing of the application, the Court of Rental Appeals may require such information in such manner as it may direct, may adopt such procedure as it deems proper and may grant or refuse the order; but no costs shall be awarded to either party.

*(Section 5 as substituted by Order No. 477)*

6. The Regional Rentals Officer, or such other person as the Rentals Administrator may appoint, may exempt any lease or any shared accommodation from the provisions of this Order, effective on and after such date as may be designated. For the purpose of this Section, "Regional Rentals Officer" means the person appointed as such by the Board for the area in which the accommodation is situated.

*(Section 6 added by Order No. 437 as substituted by Order No. 477).*

7. This Order shall come into force on July 29, 1944.

*(Original Section 6 renumbered Section 7 by Order No. 437).*

Dated at Ottawa, July 29, 1944.

D. GORDON,  
*Chairman.*

**OFFICE CONSOLIDATION****WARTIME PRICES AND TRADE BOARD****Order No. 435****Maximum Prices for Services**

*(Consolidated as amended by Orders Nos. 444 and 731)*

NOTE.—Orders Nos. 143 and 185 of the Board have been revoked and replaced by Order No. 414 which relates to goods only. This Order relates to services only.

Under powers given to the Board by The Wartime Prices and Trade Regulations, being Order in Council P.C. 8528, dated November 1, 1941, and amendments,

**THE BOARD HEREBY ORDERS AS FOLLOWS:**

- 1. This Order shall come into force on October 2, 1944.
- 2. For the purposes of this Order,
  - (a) "Administrator" means an Administrator appointed by the Board and includes any Deputy Administrator appointed by the Board;
  - (b) "basic period" means the four weeks from September 15, 1941, to October 11, 1941, both inclusive;



**A.—Wartime Prices and Trade Board—continued**

- (c) "new entrant in business" means any person who forms or commences any service business on or after October 2, 1944, whether or not he owns another service or other business; and any person who, on or after October 2, 1944, opens a new place of business at which a service is supplied shall be deemed to be a new entrant in business in respect of that new place of business; and the word "person" includes any person acting in trust for or on behalf of any other person;
- (d) "new owner" means any person who, on or after October 2, 1944, acquires the ownership of an existing service business; and the word "person" includes any person acting in trust for or on behalf of any other person;
- (e) "service business" means the business or undertaking of supplying any service;
- (f) "service" means any service included from time to time in Part IX of Schedule "A" to Order No. 711 of the Board or any Order replacing that Order from time to time.

*(Clause (f) as substituted by Order No. 731)*

*Some Governing Principles*

**3.** (1) Notwithstanding the revocation of Orders Nos. 143 and 185 of the Board; no person shall sell or offer to sell any service at a price in excess of the maximum price in effect on October 2, 1944, fixed, approved or concurred in by or under either of those Orders on sales by him of that service.

(2) If the specific price at which a person may sell or offer to sell any service has been fixed by a subsisting law in effect in the basic period, such specific price shall be the maximum price at which that person may sell or offer to sell that service.

(3) No person shall sell or offer to sell any service the maximum price for which has not been fixed

- (a) by Section 7 of the Wartime Prices and Trade Regulations, or
- (b) by or under an Order issued by or under authority of or with the concurrence of the Board or otherwise fixed by or under authority of the Board, or
- (c) by or under authority of this Order,

unless the maximum price at which he may sell such service is fixed under the authority of this Order and he has complied with this Order in all respects.

**4.** Jurisdiction over sales of some services has been or may be assigned by Order No. 434 of the Board or by the Administrator of Services under the authority of that Order to another Administrator. In the case of sales of such services, references in this Order to the Administrator of Services are to be construed as references to that other Administrator.

*Change in Business Name*

**5.** The maximum price at which any person who changes the name under which he operates a services business may sell or offer to sell any service shall be the maximum price at which he could lawfully sell that service if he had not changed such name.

**A.—Wartime Prices and Trade Board—continued***New Owner of a Service Business*

6. Subject to Section 7, the maximum price at which the new owner of a service business may sell or offer to sell any service shall be the maximum price at which the former owner of the business could lawfully sell that service if he had continued to operate the business. (Every new owner must, however, obtain a licence from the Board under Order No. 600, or any Order replacing that Order, before he may sell any service.)

*(Section 6 as Amended by Order No. 731)*

7. (1) The new owner of a service business shall, within thirty days after becoming such new owner, file at the nearest office of the Board a list showing each of the services that he sells or proposes to sell and, opposite each of such services, shall state the maximum price at which the former owner of the business could lawfully sell the service to the extent that he is able to ascertain that maximum price and, to the extent that he is unable to ascertain that maximum price, shall state the maximum price at which he proposes to sell the service which maximum price shall not exceed the price at which that service is being sold or offered for sale by the new owner's competitors in the same locality.

(2) Upon filing the said list, the new owner may continue to sell the listed services at prices not exceeding the listed maximum prices mentioned in subsection (1), unless the Administrator of Services otherwise directs by notice in writing. Subject to subsection (3), however, no new owner who fails to comply with this Section shall sell or offer to sell any services after the expiration of the thirty days mentioned in subsection (1).

(3) The Administrator of Services, upon application by the new owner, may exempt the new owner from the necessity of filing the list referred to in subsection (1) preceding and may by notice in writing give directions to the new owner as to the maximum prices at which the new owner may sell his services.

(4) Every notice given by the Administrator of Services under this Section shall be sent in duplicate to the new owner who, upon receipt of the notice and before further selling or offering to sell any service, shall endorse upon one copy of the notice a signed and dated acknowledgment of its receipt by him and shall forward that endorsed copy to the nearest Regional office of the Board or to such other office as may be designated in the notice.

*New Entrant in Business*

8. No new entrant in business shall sell or offer to sell any service until he has filed the list referred to in Section 9 and has complied with this Order in all respects. (Before selling any service or filing the said list, however, he must obtain a licence from the Board under Order No. 600 or any Order replacing that Order.)

*(Section 8 as amended by Order No. 731)*

9. (1) Every new entrant in business shall file at the nearest office of the Board a list showing each of the services that he proposes to sell and, opposite each of such services, the price at which he proposes to sell the service and that price shall be the maximum price at which he may sell or offer to sell that service, subject to the following requirements:

(a) If the maximum price at which he may sell a service has been fixed by any Order made by or under authority of or with the

**A.—Wartime Prices and Trade Board—continued**

concurrence of the Board or if the specific price at which he may sell a service has been fixed by a subsisting law in effect in the basic period, the price shown in the list for that service must not exceed such maximum or specific price. Upon filing the said list, the new entrant in business may thereupon proceed to sell that service at a price not exceeding such maximum or specific price.

- (b) In respect of any service the maximum price for which has not been fixed in any way referred to in clause (a), the price for that service shown in the said list shall not exceed the price at which that service is being sold or offered for sale by the new entrant's competitors in the same locality. Upon filing the said list, the new entrant in business may sell the service at a price not exceeding the price shown in the list unless and until the Administrator of Services otherwise directs by notice in writing.
- (c) In respect of any service the maximum price for which has not been fixed in any way referred to in clause (a) and is not a service being sold by any competitor in the same locality, the new entrant in business shall not sell or offer to sell such service until his maximum price therefor has been fixed by the Administrator of Services by notice in writing and he has complied with subsection (3) following.

(2) The Administrator of Services, upon application of the new entrant in business may exempt the new entrant from the necessity of filing the list referred to in subsection (1) preceding and may by notice in writing give direction to the new entrant as to the maximum prices at which the new entrant may sell his services.

(3) Every notice in writing given under this Section shall be sent in duplicate to the new entrant in business who, before further selling or offering to sell any service referred to in the notice, shall forthwith endorse upon one copy of the notice a signed and dated acknowledgment of its receipt by him and shall forward that endorsed copy to the nearest Regional office of the Board or to such other office as may be designated in the notice.

*New or Altered Services*

**10.** (1) No person shall sell or offer to sell a service that is not identical with a service the maximum price for which, on sales by him, has been fixed

- (i) by Section 7 of The Wartime Prices and Trade Regulations, or
- (ii) by or under an Order issued by or under authority of or with the concurrence of the Board or otherwise fixed by or under authority of the Board, or
- (iii) by or under authority of this Order,

until he has filed at the nearest office of the Board particulars adequately describing the service and stating the price at which he proposes to sell it. The price shown in the particulars shall be the maximum price at which he may sell or offer to sell that service, subject to the following requirements:

- (a) If the maximum price at which he may sell the service has been fixed by any Order made by or under authority of or with the concurrence of the Board or, if the specific price at which he may sell the service has been fixed by a subsisting law in effect in the basic period, the price shown in the particulars for that service must not



**A.—Wartime Prices and Trade Board—continued**

exceed such maximum or\* specific price. Upon filing the particulars, he may thereupon proceed to sell that service at a price not exceeding that maximum or specific price.

- (b) If the maximum price at which he may sell the service has not been fixed in any way referred to in clause (a), the price for that service shown in the particulars shall not exceed the price at which such service is being sold or offered for sale by his competitors in the same locality. Upon filing the particulars, he may sell the service at a price not exceeding the price shown in the particulars unless and until the Administrator otherwise directs by notice in writing.
- (c) In respect of any service the maximum price for which has not been fixed in any way referred to in clause (a) and is not a service being sold by any competitor in the same locality, he shall not sell or offer to sell such service until his maximum price therefor has been fixed by the Administrator of Services by notice in writing and he has complied with subsection (2) following.

(2) Every notice in writing given under this Section shall be sent in duplicate to the person who filed the particulars who, before further selling or offering to sell any service referred to in the notice, shall endorse upon one copy of the notice a signed and dated acknowledgment of its receipt by him and shall forward that endorsed copy to the nearest Regional office of the board or to such other office as may be designated in the notice.

**General Provisions**

**11.** (1) The Administrator of Services may from time to time

- (a) review prices for services and require such reduction in the price for any service as he deems justifiable and as he may specify, and require any person to give such notice thereof to other persons as the Administrator may specify;
- (b) prescribe the terms and conditions upon which and the manner and circumstances in which any service may be sold or offered for sale, supplied, distributed or advertised, and prohibit transactions and acts not in accordance therewith;
- (c) require any person owning or operating any service business, or having control or power to dispose of any service, to deal with, use, dispose of or supply all or part of such service to such person or persons as he may specify and at such time or times and place or places and upon such terms and conditions as the Administrator may specify;
- (d) prescribe what person or persons shall constitute a class of buyer for the purpose of subsection (4) of Section 7 of The Wartime Prices and Trade Regulations, and what conditions of sale and quantities shall entitle a buyer to the benefit of such subsection (4), and what difference in price shall be allowed by any seller for the purpose of such subsection (4);
- (e) require any person to furnish such information and in such manner as the Administrator may specify;
- (f) require any person to give such notification to his customers as the Administrator may specify;
- (g) fix or vary the maximum price at which any service may be sold or offered for sale by any person, and prohibit purchase or sale at

**A.—Wartime Prices and Trade Board—continued**

a price in excess of the price so fixed (and approval by the Administrator of a proposed price shall be deemed to be a fixation or variation by the Administrator);

(h) on behalf of the Board, concur or decline to concur in any price for any service in any case in which the concurrence of the Board is required to be obtained under the provisions of The Wartime Prices and Trade Regulations;

(i) specify, with the approval of the Chairman or Chief of the Prices Division, generally by notice published in *Canadian War Orders and Regulations* or in specific cases by direction in writing, any activity or undertaking as one that shall be deemed to be associated with or ancillary to a service or to be or be included in a service.

(2) Any fixation or variation of a maximum price by the Administrator of Services may be for a limited period specified by him and shall be subject to review upon such terms and conditions as he may specify.

**12.** (1) Any person to whom a seller has unjustifiably refused to sell or supply a service in reasonable manner may appeal to the Administrator of Services.

(2) Any person may appeal to the Board from any decision, fixation, direction, prescription or requirement by the Administrator of Services.

**13.** Any notice required by this Order to be sent to any person may, in lieu thereof, be published in *Canadian War Orders and Regulations*; and such publication shall, for the purposes of this Order, constitute receipt of that notice by that person.

**14.** Any of the powers of an Administrator under this Order may also be exercised by any other person to the extent that he may be authorized so to do by the Chairman.

Made at Ottawa, this 15th day of September, 1944.

D. GORDON,  
*Chairman.*

**WARTIME PRICES AND TRADE BOARD**

**Order No. 449**

**Adjustments of Maximum Retail Prices which include a Fraction of a Cent**

Under powers given to the Board by The Wartime Prices and Trade Regulations being Order in Council P.C. 8528, dated November 1, 1941, and amendments,

THE BOARD HEREBY ORDERS as follows:

**1.** (1) This Order comes into force on November 16, 1944, and deals with the adjustment of maximum retail prices which work out to include a fraction of a cent in addition to a whole number of dollars and/or cents. It revokes and replaces Board Order No. 372 and supersedes any provision for such an adjustment contained in any Order, notice or directive heretofore issued by or on behalf of the Board respecting any goods other than those listed in the Schedule hereto.

**A.—Wartime Prices and Trade Board—continued**

(2) In this Order “unit” means the single article or the unit of weight or measure (such as “pound”, “gallon”, “dozen” or “yard”) in terms of which, or in multiples of which, goods are priced for sale by a retailer.

2. The following rules shall apply to the selling and pricing at retail of all goods for which a maximum price at retail is fixed by or on behalf of the Board except those goods listed in the Schedule hereto.

*Rule 1.* If the maximum price of any goods in terms of the quantity which a retailer wishes to price includes a fraction of a cent in addition to a whole number of dollars and/or cents, it is hereby reduced to the next lower whole cent if the fraction is less than one-half of a cent, or if the fraction is one-half of a cent or more, it is hereby increased to the next higher whole cent.

*Rule 2.* If a retailer has priced goods under Rule 1 for sale in multiples of a unit and not for unit sale and, at the request of a buyer, a sale is made of a quantity that is less than the multiple quantity priced by the retailer, the maximum price of the quantity sold shall be as follows:

- (a) if the sale is of one or more of the units which comprise the multiple quantity priced by him, the maximum price per unit shall be determined by dividing the maximum price of the multiple quantity, as adjusted under Rule 1, by the number of units in the multiple quantity and, if the resulting maximum price per unit includes a fraction of a cent in addition to a whole number of dollars and/or cents, it is hereby increased to the next higher whole cent;
- (b) if the sale is of a quantity that is less than one of the units which comprise the multiple quantity, the maximum price of the quantity sold shall be in direct proportion by weight or measure, as the case may be, to the maximum price per unit as determined under clause (a) preceding and, if it includes a fraction of a cent in addition to a whole number of dollars and/or cents, it is hereby increased to the next higher whole cent.

*Rule 3.* Rule 2 shall only apply if the multiple price is legibly marked on the goods or on a card displayed with the goods and if the seller is able and willing to sell the multiple quantity to the customer.

*Rule 4.* If a retailer prices goods for unit sale under Rule 1 and, at the request of a buyer, a sale is made of a quantity that is less than a unit, the maximum price of the quantity sold shall be in direct proportion by weight or measure, as the case may be, to the maximum price of the unit, as adjusted under Rule 1, and, if it includes a fraction of a cent in addition to a whole number of dollars and/or cents, it is hereby increased to the next higher whole cent.

Made at Ottawa, this 1st day of November, 1944.

D. GORDON,  
*Chairman.*

**NOTE**

The following examples show the effect of the rules for pricing goods set out in Section 2 of Order No. 449.

**Examples**

(1) If a retailer prices particular goods by the pound and the maximum retail price per pound as fixed by Order works out to 7.49c, the maximum price under Rule 1 is 7c.



**A.—Wartime Prices and Trade Board—continued**

(2) If a retailer prices particular goods in multiples, e.g., 3 pounds (or 3 cans) and the maximum price of the 3 pounds (or the 3 cans) as fixed by Order works out to 15.7c, the maximum price under Rule 1 is 16c.

(3) If the goods are priced under Rule 1 at the maximum price of 3 pounds (or 3 cans) for 16c, a sale of one pound (or 1 can) may be made for 6c, and a sale of two pounds (or 2 cans) may be made for 12c, as provided in Rules 2 and 3.

**SCHEDULE TO ORDER NO. 449**

List of goods to which the provisions of Order No. 449 do not apply.

1. Fluid milk including standard milk, homogenized milk, special milk, and skim milk.
2. Cultured milk and buttermilk (cultured).
3. Chocolate flavoured dairy drink.
4. Ice.

**OFFICE CONSOLIDATION**

**WARTIME PRICES AND TRADE BOARD**

**Order No. 511**

**Termination of Leases for Housing Accommodation and Shared Accommodation when possession is desired for a Discharged Member of the Forces**

*(Consolidated as amended by Orders Nos. 534 and 805)*

Made pursuant to powers given to the Board by the Wartime Leasehold Regulations, being Order in Council P.C. 9029, dated the 21st day of November, 1941 and amendments thereto.

THIS BOARD ORDERS AS FOLLOWS:

*Definitions*

**1.** For the purposes of this Order

- (a) "discharged member of the forces" means any person who has been on service in any of the naval, military or air forces of His Majesty raised in Canada and who has been paid or is entitled to be paid a war service gratuity under The War Service Grants Act, Chapter 51 of the Statutes of Canada (1944), and shall include any person who was domiciled in Canada on or after the 10th day of September, 1939, and who, subsequent to that date, served on active service in any of the naval, military or air forces of His Majesty other than those raised in Canada and who has been paid or is entitled to be paid a gratuity under the provisions of Section 17 of the said The War Service Grants Act;
- (b) unless the context otherwise requires, the definition of any expression contained in Order No. 294 of the Board shall extend and apply to the same expression contained in this Order.

*Dispossession under provincial law*

**2.** Notwithstanding anything contained in any other Order of the Board, the landlord of any housing accommodation or shared accommodation may recover possession of the accommodation in accordance with

**A.—Wartime Prices and Trade Board—continued**

the law of the province in which it is situated if the tenant has been given a notice to vacate in accordance with Section 3, 4, 5, 6 or 7 of this Order and the tenant has failed to vacate on the date on which the notice directs him to vacate.

**3.** (1) A landlord of any housing accommodation owned by him at the date of his induction into any of His Majesty's Forces and who is a discharged member of the forces, may give to the tenant of the accommodation a notice to vacate on a form provided by the Board for use under this Section if he desires possession of the accommodation as a personal residence for himself for a period of at least one year from the date on which the tenant may be directed to vacate by a notice to vacate given under this Order.

(2) The provisions of subsection (1) preceding shall apply when the landlord is the wife of a discharged member of the forces and the accommodation was owned by her at the date of her husband's induction into any of His Majesty's Forces and who desires possession of the accommodation as a personal residence for herself and her husband for a period of at least one year from the date on which the tenant may be directed to vacate by a notice to vacate given under this Order.

**4.** A landlord of any housing accommodation occupied by his father, mother, son, daughter, son-in-law or daughter-in-law at the time of induction into any of His Majesty's Forces who desires possession of the accommodation for that former occupant who is a discharged member of the forces, may give to the tenant of the accommodation, a notice to vacate on a form provided by the Board for use under this Section which form shall contain a statement signed by the person for whose occupancy the accommodation is desired that he has agreed with the landlord to occupy the accommodation for a period of at least one year from the date on which the tenant may be directed to vacate by a notice to vacate given under this Order.

*(Section 4 as amended by Order No. 534)*

**5.** The personal representative of a deceased landlord of any housing accommodation occupied by the father, mother, son, daughter, son-in-law or daughter-in-law of the deceased landlord at the time of induction into any of His Majesty's Forces who desires possession of the accommodation for that former occupant who is a discharged member of the forces may give to the tenant of the accommodation a notice to vacate on a form provided by the Board for use under this Section which form shall contain a statement signed by the person for whose occupancy the accommodation is desired that he has agreed with the personal representative of the deceased landlord that the accommodation will be occupied by him for a period of at least one year from the date on which a notice given under this Order may direct the tenant to vacate.

*(Section 5 as amended by Order No. 534)*

**6.** A landlord of any shared accommodation may give to the tenant of that accommodation a notice to vacate which notice shall be on a form provided by the Board for use under this Section if the landlord

- (a) is a discharged member of the forces and desires the accommodation as an enlargement of his personal residence; or
- (b) is the wife of a discharged member of the forces and desires possession of the accommodation as an enlargement of her personal residence; or

**A.—Wartime Prices and Trade Board—continued**

- (c) has made an agreement with his father, mother, son, daughter, son-in-law or daughter-in-law who is a discharged member of the forces that the accommodation will be occupied as a personal residence by the person with whom the agreement has been made; and the notice shall contain a signed statement by the person with whom the agreement has been made that the accommodation will be so occupied by him.

*(Section 6 as amended by Order No. 534)*

**7.** (1) For the purposes of this Section, "multiple-family building" means a building containing two or more housing accommodations, but shall not include any semi-detached or attached house not containing more than one housing accommodation.

(2) A landlord of any housing accommodation situated in a multiple-family building owned by him who desires possession of the accommodation for his father, mother, son, daughter, son-in-law or daughter-in-law who is a discharged member of the forces, may give to the tenant of the accommodation a notice to vacate on a form provided by the Board for use under this Section which form shall contain a statement signed by the person for whose occupancy the accommodation is desired that he has agreed with the landlord to occupy the accommodation for a period of at least one year from the date on which the tenant may be directed to vacate by a notice to vacate given under this Order.

*(Section 7 as amended by Order No. 534)*

**8.** If the notice to vacate is given under Section 3, 4, 5 or 6 of this Order, unless the lease provides for a longer notice, the length of notice

- (a) in the case of a monthly lease or a weekly lease shall be at least three months terminating at the end of a lease month or a lease week, as the case may be;
- (b) in the case of any other lease not for a term certain shall be that required by the law of the province in which the accommodation is situated and shall terminate at the end of the period of occupancy to which the tenant is then entitled under the terms of the lease or to which he is entitled by operation of law;
- (c) in the case of a lease for a term certain shall be at least three months, terminating at the end of the term, but if the unexpired portion of the term is less than three months at the date on which the notice is given, the notice shall be null and void and the provisions of Section 19 of Order No. 800 shall apply.

*(Clause (c) as substituted by Order 805.)*

**9.** If the notice to vacate is given under Section 7 of this Order, unless the lease provides for a longer notice, at least six months' notice to vacate shall be given directing the tenant to vacate

- (a) in the case of a monthly lease, at the end of a lease month, or, in the case of a weekly lease, at the end of a lease week, but in neither case between September 30 and the following April 30;
- (b) in the case of any other lease not for a term certain at the end of the term or, if the unexpired portion of the term is less than six months, at the end of the following term;
- (c) in the case of a lease for a term, at the end of the term; if the unexpired portion of the term is less than six months at the date on which the notice is given, the notice shall be null and void and the provisions of Section 19 of Order No. 800 of the Board shall apply.

*(Clause (c) as substituted by Order 805.)*



**A.—Wartime Prices and Trade Board—continued**

10. Before any notice to vacate is given under this Order, the landlord shall file one copy of the notice with the Rentals Appraiser who shall indicate on the copy that is to be given to the tenant and on the copy that is to be retained by the landlord that the notice has been filed with him in accordance with this Section.

11. (1) Any notice to vacate given under Section 3, 4, 5 or 7 of this Order shall be null and void if the landlord, before the date on which the notice directs the tenant to vacate, has agreed in any manner that the accommodation may be occupied, at any time during a period of one year from the date on which the notice directs the tenant to vacate, by any person other than the person named in the notice for whose residence the accommodation was required. Any tenant who vacates pursuant to any such null and void notice shall be deemed to have been illegally dispossessed of or evicted from the accommodation.

(2) If the landlord of any housing accommodation has given to the tenant thereof a notice to vacate under Section 3, 4, 5 or 7 of this Order and the tenant has vacated, the landlord shall not, during a period of one year from the date on which the notice directed the tenant to vacate, sell or rent the accommodation in whole or in part, other than as shared accommodation, to any person other than the person named in the notice for whose residence the accommodation was required. If, however, after the tenant has vacated the accommodation, that person is prevented from occupying the accommodation for that period by reason of a circumstance beyond his control and beyond the control of the landlord, the landlord may apply to the Rentals Appraiser for a permit to sell the accommodation or rent it in whole or in part to another tenant. The Rentals Appraiser may grant or refuse such permit. For the purposes of this subsection, any occupation that is not under an agreement of sale shall be deemed to be under a lease.

12. For the purposes of this Order any notice to vacate or other document that is required by this Order to be given by or to any person may be given by or to the husband, wife, widow, widower or personal representative of any such person.

13. This Order shall come into force on the 31st day of May, 1945.

Made at Ottawa, this 14th day of May, 1945.

D. GORDON,  
*Chairman.*

**OFFICE CONSOLIDATION****WARTIME PRICES AND TRADE BOARD****Order No. 671****Conditions of Selling Goods and Services**

*(Consolidated as amended by Order No. 733)*

Under powers conferred by The Wartime Prices and Trade Regulations, Order in Council P.C. 8528 of November 1, 1941, as amended, the Board hereby orders as follows:

1. This Order shall come into force on November 30, 1946.

**A.—Wartime Prices and Trade Board—continued**

2. Order No. 302 of the Board is hereby revoked and is replaced by this Order.

3. (1) A person, in selling or negotiating the sale of any goods or services, shall not impose any obligation on a buyer

- (a) to buy any more or any other goods or services than those he wishes to buy, or
- (b) to restrict to the seller the buyer's future purchases of such goods or services.

(2) Subsection (1) shall not apply to sales exclusively of goods or services that are suspended from all maximum prices fixed by or under authority of the Wartime Prices and Trade Regulations

*(Subsection (2) as substituted by Order No. 733)*

(3) Subsection (1) shall not be construed as prohibiting

- (a) a term or condition of a contract of sale that the seller shall have the exclusive right of servicing, maintaining or repairing the goods or service sold if the contract provides that the seller guarantees or warrants the effectiveness of the goods or service during any period of time, or
- (b) a term or condition of an agreement to repair that the customer seeking the repairs shall purchase from the repairer any materials necessary to make the repairs, or
- (c) a term or condition of an agreement to sell an oil burner that the buyer will purchase from the seller the fuel oil required for the operation of such burner.

4. An Administrator appointed by the Board may, by directions in writing countersigned by the Chairman of the Board and on such terms and conditions as may be specified in such directions,

- (a) require a seller of any goods or services to discontinue or vary any term or condition of sale of such goods or services, or
- (b) exempt a seller of any goods or services from any provision of this Order, in such special circumstances as be deemed proper.

Made at Ottawa, this 26th day of November, 1946.

D. GORDON,  
*Chairman.*

**WARTIME PRICES AND TRADE BOARD**

**Order No. 727**

**Jurisdiction over Services**

Under powers conferred by the Wartime Prices and Trade Regulations, Order in Council P.C. 8528 of November 1, 1941, as amended, the Board hereby orders as follows:

1. Order No. 500 of the Board is hereby revoked and replaced by this Order which shall come into force on May 8, 1947.

2. For the purposes of any Order of the Board conferring powers upon Administrators,

- (1) except where jurisdiction has been specifically allocated by paragraph (2) following, each Administrator who has jurisdiction over

**A.—Wartime Prices and Trade Board—continued**

the manufacture of an article or commodity, shall have jurisdiction over the service of manufacturing that article or commodity on a custom or commission basis, and over manufacturing processes performed in respect of that article or commodity on a custom or commission basis, and over the packing or packaging of that article or commodity on a custom or commission basis; and

- (2) each of the following Administrators shall have jurisdiction over the following particular services listed under his title and all activities or undertakings associated therewith or ancillary thereto;

(a) *Distributive Trades, Administrator of:*

- (i) the making of curtains and draperies on a custom or commission basis;
- (ii) custom tailoring for consumers in respect of goods that are subject to maximum prices fixed by or under authority of the Wartime Prices and Trade Regulations.

(b) *Feeds Administrator:*

- (i) the drying, grinding, chopping, cutting or crushing of grains for feed purposes and the mixing of feeds, when performed on a custom or commission basis;

(c) *Foods Administration, Co-ordinator of:*

- (i) the pasteurizing of honey on a custom or commission basis;
- (ii) the drying of corn or other food product on a custom or commission basis (other than seeds and other than for feed purposes);

(d) *Meat and Meat Products, Administrator of:*

- (i) the slaughtering and dressing of animals or poultry on a custom or commission basis;

(e) *Rentals Administrator:*

- (i) the supplying of meals with sleeping accommodation for a combined charge, except when supplied by an employer to his employees directly or through a servant or agent;

(f) *Services, Administrator of:*

- (i) except as otherwise allocated in this Order, the services included in Part IX of Schedule "A" to Order No. 711 or any Order replacing that Order;

(g) *Timber Administrator:*

- (i) the sawing and processing of lumber on a custom or commission basis;

(h) *Women's and Misses' Coats and Suits, Administrator of:*

- (i) the tailoring and making of women's and misses' coats and suits other than furs, fur pieces and fur garments and other than for consumers;

(i) *Women's, Misses' and Children's Wear, Administrator of:*

- (i) except as allocated by clause (h) preceding, the tailoring and making of women's, misses' and children's wear other than furs, fur pieces and fur garments and other than for consumers;

3. (1) Any Administrator may, in writing countersigned by the Chairman or Chief of the Prices Division of the Board, transfer jurisdic-



**A.—Wartime Prices and Trade Board—continued**

tion to or make such arrangements as he deems expedient with any other Administrator respecting any service and any such transfer or arrangement shall be deemed to be an allocation by this Order to such other Administrator.

(2) The Co-ordinator of Foods Administration may, in writing countersigned by the Chairman or Chief of the Prices Division of the Board, delegate and transfer to any Administrator any jurisdiction allocated to such Co-ordinator by this Order.

Made at Ottawa, May 1, 1947.

K. W. TAYLOR,  
*Chairman.*

**WARTIME PRICES AND TRADE BOARD****Order No. 753****Respecting Termination of Leases for Housing Accommodation**

*(Consolidated as amended by Orders Nos. 784, 794, 803 and 814)*

Under powers conferred by the Wartime Leasehold Regulations, Order in Council P.C. 9029 of November 21, 1941, as amended, the Board hereby orders as follows:

1. This Order shall come into force on August 14, 1947.

2. For the purposes of this Order,

- (a) the definition of any expression contained in Order No. 294 of the Board shall extend and apply to the same expression wherever used in this Order;
- (b) "Commissioner" means any person appointed as such for any particular area by the Rentals Administrator.

3. Notwithstanding anything contained in any other Order of the Board, the landlord of any housing accommodation owned by him, may make an application to a Commissioner for an Order permitting the landlord to recover possession in accordance with the law of the province in which the accommodation is situated.

*(Section 3 as substituted by Order No. 794)*

4. (1) The application shall be made in duplicate on a form provided by the Board, both copies shall be filed with the Rentals Appraiser and all information required by the form shall be given.

(2) The Rentals Appraiser with whom the application is filed shall forthwith forward one copy by registered mail to the tenant.

(3) The Rentals Appraiser shall ascertain from the Commissioner the date of the hearing of the application, and shall serve upon the landlord and tenant by personal service or by prepaid registered mail a notice stating the date on which the Commissioner will hear the application. The notice shall be served personally or mailed not less than fourteen days prior to the date of the hearing.

*(Subsection (3) as substituted by Order 803.)*

**A.—Wartime Prices and Trade Board—continued**

(4) If the tenant desires to oppose the application, he may, at or before the hearing, give to the landlord and file with the Rentals Appraiser a statement in writing setting forth the material facts upon which he relies.

(5) The Rentals Appraiser shall forward to the Commissioner all material filed on the application.

(6) The landlord and tenant shall be entitled to be present at the hearing.

(7) A Commissioner shall have the powers of a commissioner appointed under the Inquiries Act.

*(New Section substituted by Order 814)*

**5.** The landlord at the hearing shall establish

- (a) that he has need of the accommodation as a residence for himself and members of his family and that he or members of his family will suffer grievous hardship if he be unable to obtain possession of the accommodation as a place of residence for himself and members of his family; or
- (b) that he is suffering a grievous financial hardship in being prevented from recovering possession of the accommodation.

**6.** At the hearing, the Commissioner may require such further information in such manner as he may direct, may adjourn the hearing from time to time and may adopt such procedure as he deems proper and, according to what he deems reasonable and just in the circumstances as established, having regard to

- (a) the need of the landlord for the accommodation as a residence for himself and members of his family and the nature and degree of hardship which would be suffered by the landlord and his family if the application should be dismissed; and
- (b) the circumstances of the tenant and the nature and degree of hardship which would be suffered by the tenant and his family if the application was allowed; and
- (c) the availability or otherwise of alternative accommodation reasonably suitable to the needs and means of the tenant, and
- (d) the financial circumstances of the landlord and the nature and degree of hardship which the landlord is suffering by being prevented from obtaining possession of the accommodation.

*(Added by Order 814)*

may make an Order effective on and after such date as he may designate, exempting the lease between the landlord and tenant from the provisions of Part II of Order No. 294 of the Board or dismissing the application. No costs shall be awarded to either party and the decision of the Commissioner shall be final and conclusive.

Made at Ottawa, August 6, 1947.

K. W. TAYLOR,  
*Chairman.*

**A.—Wartime Prices and Trade Board—continued**

OFFICE CONSOLIDATION

**WARTIME PRICES AND TRADE BOARD**

**Order No. 757**

*(Consolidated as amended by Board Orders Nos. 761 and 766  
and Notices 1 to 20 inclusive)*

**Maximum Prices for Goods and Services**

Order No. 737 of the Board provided that sales of specified goods and services should continue to be subject to maximum prices and that all sales of other goods and services be suspended from maximum prices. Five notices were subsequently published clarifying or amending certain items in the Schedules to the Order. Changes in the Schedules have become advisable and, for public convenience, it is desirable that a new Order be issued indicating all sales of goods and services that are subject to maximum prices and those which are not.

Therefore, under powers conferred by the Wartime Prices and Trade Regulations, Order in Council P.C. 8528 of November 1, 1941, as amended, the Board hereby orders as follows:

**1.** Order No. 737 of the Board, as amended, is hereby revoked and replaced by this Order which shall come into force on September 15, 1947.

*Sales of Goods and Services Subject to Price Control*

**2.** The sale by any person of the following goods or services shall continue to be subject to the lawful maximum price applicable from time to time to such sale and the requirements of any Order relating to such goods or services;

- (a) all goods and services included in any Item in the Schedule to this Order;
- (b) Any set which contains an article included in any Item in the Schedule to this Order, even though the remainder of the set consists of articles not included in such Schedule.

*(clause (c) deleted by Order No. 766, October 22, 1947)*

*Sales of Goods and Services Suspended From Price Control*

**3.** Until further notice, all maximum prices heretofore fixed by or under authority of the Wartime Prices and Trade Regulations are hereby suspended on the following sales:

- (a) all sales of any goods or services not referred to in Section 2;
- (b) any sale of goods for export when such export is made by the seller or his agent; and any sale of goods to the Canadian Commercial Corporation where such goods are purchased by the Corporation for purposes of export shall be regarded as a sale of those goods for export; but this exemption shall not extend to or include either
  - (i) the sale in Canada or in Canadian territorial waters of any ships' stores to which the Schedule to this Order applies



**A.—Wartime Prices and Trade Board—continued**

- (other than sales while in bond of goods imported into Canada in bond) when delivery to the ship is made in Canada or Canadian territorial waters; or
- (ii) the sale of any goods to which the Schedule to this Order applies to any passenger or member of the crew while on board any ship of Canadian registry or any ship operated by any person resident in Canada;
- (c) the sale by any person of any goods by auction in cases in which such procedure is the normal practice and is followed in good faith and without any intention of evading or attempting to evade any provision of the Wartime Prices and Trade Regulations or of any Order made, approved or concurred in by or under authority of the Board; and
- (d) sales of grain included in Item 120 of the Schedule to this Order by one primary producer of agricultural products, livestock, poultry or livestock products to another such primary producer, including exchanges or barters between two such primary producers but excluding sales, exchanges or barters for the purpose of resale.

*(Section 3 as amended by Orders Nos. 761, October 1, 1947, and 766, October 22, 1947)*

4. Until further notice all maximum rates heretofore fixed by or under authority of the Wartime Prices and Trade Regulations are hereby suspended on the renting of all goods. This Section shall not apply to rates fixed under the provisions of Order No. 294 of the Board.

5. Every person whose sales of goods or services to which Section 3 applies were subject on January 31, 1946, to any maximum price fixed by or under authority of the Wartime Prices and Trade Regulations shall retain in his possession available for inspection by any representative of the Board every price notification fixing such maximum price and shall maintain records adequately showing his past and future purchases and sales of such goods or services.

6. Every person whose renting of any goods was subject on January 31, 1946, to any maximum rate fixed by or under authority of the Wartime Prices and Trade Regulations shall retain in his possession available for inspection by any representative of the Board every notification approving or fixing such maximum rate and shall maintain records adequately showing his past and future renting of such goods.

**General Provisions**

7. If any seller is in doubt as to whether any particular goods or services are included in or excluded from any item in the Schedule to this Order, he shall enquire at the nearest office of the Board and comply with any directions given to him accordingly.

8. The Chairman or the Chief of the Prices Division may

- (a) generally, by notice published in the *Canada Gazette*, insert, delete or vary any Item in the Schedule to this Order;
- (b) generally, by notice published in the *Canada Gazette*, or in individual cases by directive in writing, designate any article or service as being included in or excluded from any Item in the Schedule to this Order.

**A.—Wartime Prices and Trade Board—continued**

9. Nothing in this Order shall be construed as authorizing any person to sell or rent any goods or services at a price or rate that is higher than is reasonable and just, which higher price or rate is prohibited by the Wartime Prices and Trade Regulations.

MADE AT OTTAWA, September 11, 1947.

K. W. TAYLOR,  
*Chairman.*

**SCHEDULE TO ORDER No. 757**

**GOODS AND SERVICES SUBJECT TO PRICE CONTROL**

*Explanatory Note:*

1. In order to indicate the changes in this Schedule as compared with Schedule "A" to Order No. 737, the same Item numbering has been retained. Whenever a former Item number does not appear in this Schedule it means that sales of the particular goods and services included in that particular Item are no longer subject to maximum prices.

2. Attention is directed to the necessity of reading Section 2 of the Order in conjunction with this Schedule.

Item 144—Basic Iron and steel products as follows:

Item 205—The supplying of less than two meals daily with sleeping accommodation for a combined charge, except when supplied by an employer to an employee, directly or through a servant or agent, or by a hotel as defined in Board Order No. 294 as amended.

*(Item 205 as substituted by Notice No. 1, October 30, 1947)*

Item 207—Any manufacturing process performed on a custom or commission basis and resulting in or contributing to the production of any goods to which this Schedule applies.

*(the note to Item 207 deleted by Order No. 766, October 22, 1947)*

Item 208—The packing or packaging of any goods to which this Schedule applies, when performed on a custom or commission basis.

**WARTIME PRICES AND TRADE BOARD**

**Order No. 793**

*(as amended by Order No. 803)*

**Respecting Termination of Leases for Housing Accommodation**

Under powers conferred by the Wartime Leasehold Regulations, Order in Council P.C. 9029 of November 21, 1941, as amended, the Board hereby orders as follows:

1. This Order shall come into force on November 1, 1948.

2. For the purposes of this Order,

- (a) the definition of any expression contained in Order No. 294 of the Board shall extend and apply to the same expression wherever used in this Order;

**A.—Wartime Prices and Trade Board—continued**

- (b) "Commissioner" means any person appointed as such for any particular area by the Rentals Administrator under the provisions of Order No. 753 of the Board.

3. Notwithstanding anything contained in any other Order of the Board, any religious or educational institutions or any public hospital which is the landlord of any housing accommodation owned by it may make an application to a commissioner for an order permitting it to recover possession in accordance with the law of the province in which such accommodation is situated.

4. (1) The application shall be made in duplicate and both copies shall be filed with the Rentals Appraiser.

(2) The Rentals Appraiser with whom the application is filed shall forthwith forward one copy by registered mail to the tenant.

(3) The Rentals Appraiser shall ascertain from the Commissioner the date of the hearing of the application, and shall serve upon the landlord and tenant by personal service or by prepaid registered mail a notice stating the date on which the Commissioner will hear the application. The notice shall be served personally or mailed not less than fourteen days prior to the date of the hearing.

*(Subsection (3) as substituted by Order 803)*

(4) If the tenant desires to oppose the application, he may, at or before the hearing, give to the landlord and file with the Rentals Appraiser a statement in writing setting forth the material facts upon which he relies.

(5) The Rentals appraiser shall forward to the Commissioner all material filed on the application.

(6) The landlord and tenant shall be entitled to be present at hearing.

(7) A Commissioner shall have the powers of a commissioner appointed under the Inquiries Act.

5. The landlord at the hearing shall establish that it has need of the accommodation for the extension or improvement of the religious, educational or public welfare work and service in which it is engaged.

6. At the hearing, the Commissioner may require such further information in such manner as he may direct, may adjourn the hearing from time to time and may adopt such procedure as he deems proper and, according to what he deems reasonable and just in the circumstances as established, having regard to:

- (a) the public benefit that would result if the landlord should recover possession of the accommodation; and
- (b) the circumstances of the tenant and the nature and degree of hardship which would be suffered by the tenant and his family if the application was allowed; and
- (c) the availability or otherwise of alternative accommodation reasonably suitable to the needs and means of the tenant,

may make an Order effective on and after such date as he may designate, exempting the lease between the landlord and tenant from the provisions



**A.—Wartime Prices and Trade Board—*continued***

of Part II of Order No. 294 of the Board or dismissing the application. No costs shall be awarded to either party and the decision of the Commissioner shall be final and conclusive.

MADE AT OTTAWA October 22, 1948.

K. W. TAYLOR,  
*Chairman.*

**WARTIME PRICES AND TRADE BOARD**

**Order No. 800**

*(as amended by Orders 803, 805, 810, 811 and 814)*

**Respecting Maximum Rentals and Termination of Leases for Housing Accommodation and Shared Accommodation**

made pursuant to authority conferred by Order in Council P.C. 9029, dated the 21st day of November, 1941, and amendments thereto.

The Board orders as follows:

*Definitions*

1. For the purposes of this Order.

- (a) "Board" means the Wartime Prices and Trade Board;
- (b) "clubhouse" means the clubhouse of a club incorporated for the purpose of carrying on its objects without pecuniary gain and which restricts the occupancy of rooms in the clubhouse to members of the club;
- (c) "commercial accommodation" means
  - (i) any vacant land;
  - (ii) any land used for commercial purposes and let upon a ground lease;
  - (iii) any place of business;
  - (iv) any structure or part of a structure used for combined business and dwelling purposes under a lease that is made to one tenant or two or more tenants jointly and the rental payable under which has not been apportioned in respect of that part used for business purposes and that part used as a place of dwelling;
  - (v) any real property of which His Majesty in right of Canada or of any province thereof is tenant;
 and, for the purposes of this clause, "business" shall include the practice of any profession but shall not include the letting of rooms with or without board,
- (d) "Court of Rental Appeals" means any judge, judicial officer or barrister designated as such, for any particular area, by the Board;
- (e) "demand for renewal" means a demand for renewal conforming to the provisions of this Order and given by the landlord to the tenant in accordance with the provisions of this Order;
- (f) "hotel" means any establishment the operator of which
  - (i) in one or more buildings, furnishes sleeping and living accommodation, with or without meals, to the travelling public for remuneration; and

**A.—Wartime Prices and Trade Board—continued**

- (ii) receives and lodges for remuneration all persons seeking shelter, unless there is reasonable ground for refusal; and
- (iii) keeps a register in which the guests, on arrival, record their names and addresses; and
- (iv) assumes responsibility for the goods and chattels of the guests in accordance with the law of the province in which the hotel is situated; and
- (v) filed his maximum rates or obtained fixation of his maximum rates in accordance with the provisions of Order No. 316 of the Board or holds a certificate issued by the Regional Rentals Officer under the provisions of subsection (3) of Section 2 of this Order;
- (g) "housing accommodation" means any place of dwelling and any land upon which a place of dwelling is situated, but shall not include commercial accommodation, shared accommodation or any room in a hotel or clubhouse;
- (h) "landlord" means any person of whom another holds any right to the possession of any place of dwelling and the heirs, executors, administrators and assigns of such person and, without restricting the generality of the foregoing, includes any person who lets or sub-lets or grants any leave and licence for the possession of any housing accommodation or shared accommodation, any person entitled to possession under any judgment or order of a Court or under any statute and any mortgagee or chargee in possession;
- (i) "lease" means any enforceable contract for the letting or sub-letting of any housing accommodation or shared accommodation or any leave and licence for the use of any housing accommodation or shared accommodation, whether such contract or leave and licence is made orally or in writing; and each of the verbs "let", "rent" and "sub-let" shall have a corresponding extended meaning;
- (j) "notice of renewal" means a notice of renewal conforming to the provisions of this Order and given by the tenant to the landlord in accordance with the provisions of this Order;
- (k) "province" includes the North West Territories and Yukon Territory;
- (l) "rent" or "rental" or "rate" means any payment or consideration, including any bonus or gratuity to or for the benefit of the landlord, for the possession of any housing accommodation or shared accommodation by the day, week, month, year or other period of time;
- (m) "Rentals Administrator" means a person appointed as such by the Board and includes any person similarly appointed as a deputy Rentals Administrator;
- (n) "Rentals Appraiser" means any person appointed as such by the Board or by a Rentals Administrator;
- (o) "shared accommodation" means any room or rooms forming part of the residence of the landlord or of his agent and of which the entrance and any facility are used in common by the landlord or his agent and the occupant or occupants of the room or rooms;
- (p) "tenant" means any person who holds possession of any housing accommodation or shared accommodation under any lease;
- (q) "term certain" means a period of possession of housing accommodation, the right to which possession, according to the law of

**A.—Wartime Prices and Trade Board—continued**

the province in which the accommodation is situated, would terminate at the end of the period without notice by either landlord or tenant were it not for the provisions of this Order.

**PROPERTY AND LEASES NOT AFFECTED BY THIS ORDER**

*Exemptions from Order*

2. (1) The provisions of this Order shall not apply to
  - (a) any living or sleeping room in an educational, religious, philanthropic, charitable, scientific, artistic, professional, social or sporting institution, or in any hospital or convalescent or nursing home, or in any clubhouse;
  - (b) any real property let (with or without a place of dwelling) solely for the purposes of husbandry, agriculture or horticulture;
  - (c) any lease of any housing accommodation in which lease His Majesty in right of Canada is landlord and Wartime Housing Limited or Central Mortgage and Housing Corporation is his agent;
  - (d) any living or sleeping room in a seasonal boarding house which, for purposes of this clause, means a boarding house which caters chiefly to persons who are on vacation or holidays and in which sleeping accommodation and three meals per day are made available to the guests by the operator, and includes a group of buildings so operated by the same operator in some of which sleeping accommodation is supplied to the guests and in one or more of which three meals per day are made available by him to such guests.
  - (e) any vacant land;
  - (f) any building which on January 1, 1947, was in process of being completed by original construction and was not occupied in whole or in part before that date and any building the original construction of which was commenced after that date and for the purpose of this clause "construction" shall not include alterations or additions, structural or otherwise to an existing building.
  - (g) any garage that is appurtenant to any housing accommodation and that is let to some person other than the tenant of such housing accommodation;
  - (h) any lease of any housing accommodation in which lease Central Mortgage and Housing Corporation is the landlord; or in which lease Housing Enterprise of Canada Limited or any subsidiary company thereof is the landlord;
  - (i) any room or rooms in a boarding house which, for the purposes of this clause, means a boarding house the operator of which serves two or more meals daily to the occupant of the room or rooms in question.
  - (j) any summer cottage, winter chalet, ski lodge, hunting lodge or tourist cabin which was untenanted on the 23rd day of February, 1948, or which after that date becomes untenanted, notwithstanding that the accommodation later becomes tenanted;
  - (k) any lease of any housing accommodation made between the owner of such accommodation and any person who was not the tenant



**A.—Wartime Prices and Trade Board—continued**

thereof on November 1, 1948; provided that this Clause shall only apply to housing accommodation being a place of dwelling, the occupant of which is entitled under his lease to the exclusive possession thereof and is not obliged by any term or condition, express or implied, of such lease, to share with any other person, the use of a bathroom, bath, kitchen, kitchen sink, toilet, water-closet or similar convenience in such place of dwelling; and for the purpose of this proviso the word "occupant" means either a single occupant, or two or more occupants jointly entitled to the same rights of occupancy and use of the same place of dwelling.

- (l) any lease of housing accommodation made between a landlord and a tenant who is or was at the time of the making of the lease for the accommodation the landlord's employee, servant or agent.

*(Added by Order No. 814)*

all of which are hereby exempted from the provisions of Section 5 of the Wartime Leasehold Regulations.

(2) In any case in which a Rentals Administrator has exempted any real property or any transaction or person from any provisions of any previous Order of the Board such property, transaction or person shall to the extent of such exemption be exempt from the corresponding provision of this Order unless and until a Rentals Administrator otherwise directs in writing.

(3) No real property shall be deemed to be a hotel unless the operator thereof filed his maximum rates or obtained fixation of his maximum rates under the provisions of Order No. 316 of the Board while that Order was in force or unless such operator, upon application to the Regional Rentals Officer, obtains from such officer a certificate designating such real property as a hotel.

(4) The provisions of Part II and Section 23 of this Order shall not apply to any building which is owned by His Majesty in the Right of Canada as represented by Central Mortgage and Housing Corporation or Wartime Housing Limited.

*(Subsection (4) added by Order No. 805)*

**PART I—MAXIMUM RENTALS FOR HOUSING ACCOMMODATION***Fixed maximum rentals*

3. Maximum rentals that have been fixed for housing accommodation before February 1, 1949 or under this Order shall not be varied except in accordance with the provisions of this Order.

4. (1) Maximum rentals that have been fixed before February 1, 1949 are the following:

- (a) a maximum rental fixed before October 11, 1941, for any housing accommodation by any Order of the Board referred to in the Appendix to this Order (subject to the latest conclusive variation of such maximum rental heretofore made under the authority of the Board);
- (b) the rental lawfully payable under a lease in effect on October 11, 1941, for any housing accommodation or, if there was no lease in effect for the accommodation on that date but there was a lease in effect for the accommodation at some time or times since

**A.—Wartime Prices and Trade Board—continued**

January 1, 1940, the rental lawfully payable under the latest lease in effect between January 1, 1940, and October 11, 1941 (subject to the latest conclusive variation of such maximum rental heretofore made under the authority of the Board);

- (c) the rental lawfully payable under the first lease made between October 11, 1941, and December 10, 1942, for any housing accommodation for which no maximum rental had been fixed on or before October 11, 1941 (subject to the latest conclusive variation of such maximum rental heretofore made under the authority of the Board);
- (d) the maximum rental conclusively fixed under the authority of the Board for any housing accommodation that was rented for the first time on December 10, 1942, or between December 10, 1942, and February 1, 1949.

*Particular fixed maximum rentals*

(2) Maximum rentals payable under any lease referred to in clause (b) of subsection (1) preceding shall include the following:

- (a) a rental which is subject to seasonal variation during year-round possession, in which case the rental payable in each season shall be the maximum rental payable in any corresponding season;
- (b) a rental payable under a sub-lease made between a tenant and a sub-tenant and in effect at the same time as the lease referred to; in which case a lease may be made or renewed at the rental payable under the sub-lease if the same housing accommodation, appurtenances, furniture, furnishings, equipment, fixtures, services and facilities are supplied as were supplied under the sub-lease;
- (c) an altered rental payable upon the exercise of an option contained in the lease; but, unless the option is exercised, such altered rental shall not constitute a maximum rental;
- (d) a rental payable for any housing accommodation customarily rented only for a season or part of a season; in which case the maximum daily, weekly, monthly and seasonal rentals in each season shall be the respective daily, weekly, monthly and seasonal rentals payable in the last corresponding season before October 11, 1941.

(3) In any case in which there is a fixed maximum daily rental and a fixed maximum weekly rental for any housing accommodation customarily rented only for a season or part of a season and the accommodation is occupied by the same tenant for seven consecutive days or longer, the maximum rental that may be charged, demanded, received, collected or paid for such occupancy shall be the maximum weekly rental.

(4) In any case in which there is a fixed maximum weekly rental and a fixed maximum monthly rental for any housing accommodation customarily rented only for a season or part of a season and the accommodation is occupied by the same tenant for one month or longer the maximum rental that may be charged, demanded, received, collected or paid for such occupancy shall be the maximum monthly rental.

*Lessening accommodation or services, etc.*

5. (1) Housing accommodation for which there is a fixed maximum rental shall include all appurtenances, furniture, furnishings, equipment, fixtures, services and facilities that were supplied or were to be supplied by the landlord for such maximum rental.

**A.—Wartime Prices and Trade Board—continued**

(2) During the term of any lease now or hereafter in effect for any housing accommodation or during any period of renewal or extension of such lease, no person shall, in the absence of an agreement between the landlord and tenant to the contrary, discontinue or lessen any heating, lighting or cold or hot water service supplied or to be supplied by the landlord unless he obtains from the Rentals Appraiser a written permit so to do and complies with the terms of such permit or unless such discontinuance or lessening is due to governmental order or fuel not being available.

(3) An application for a permit shall be made on a form provided by the Board; and the Rentals Appraiser may grant or refuse a permit.

(4) If the landlord of any housing accommodation for which there is a fixed maximum rental lessens the amount of the accommodation or of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities which were supplied or to be supplied for the maximum rental, whether or not a permit has been granted under this Section, he shall either before or within thirty days after the date of such lessening, make an application in accordance with Section 9 to the Rentals Appraiser for a variation of the maximum rental; provided that nothing in this subsection shall be deemed to authorize a landlord to break the conditions of any lease in effect for the accommodation.

*Increasing accommodation or services, etc.*

6. If the landlord of any housing accommodation, since the date on which the maximum rental therefor was last fixed, increases the amount of such accommodation or supplies any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities that were not supplied for the rental fixed on such date, he shall not collect or receive any rental in excess of the maximum rental unless upon application by him the maximum rental is varied under the provisions of Section 7 and he complies with the provisions of Section 8.

*Variation of fixed maximum rentals*

7. (1) An application may be made by the landlord of any housing accommodation to the Rentals Appraiser for a variation of the fixed maximum rental for the accommodation by reason of any of the following special circumstances affecting such accommodation:

*(Subsection (a) amended by Order 810 and deleted by Order 814)*

- (b) an increase in the amount of the accommodation or the supplying of appurtenances, furniture, furnishings, equipment, fixtures, services or facilities that were not supplied or to be supplied for the maximum rental; in which case the Rentals Appraiser may increase the maximum rental by an amount which is commensurate with the increased rental value of the accommodation, but in no event shall the maximum rental be increased to an amount that is higher than the rental generally prevailing on October 11, 1941, for similar accommodation in the neighbourhood; provided, however, that in the case of housing accommodation the occupant of which is entitled under his lease to the exclusive possession thereof and is not obliged by any term or condition, express or implied, of such lease, to share with any other person, the use of a bathroom, bath, kitchen, kitchen sink, toilet, water closet or similar convenience in such place of dwelling, the Rentals Appraiser may increase



**A.—Wartime Prices and Trade Board—continued**

the maximum rental to either such amount plus 10 per cent if heat is not supplied or is not to be supplied by the landlord or to such amount plus 15 per cent if heat is supplied or is to be supplied by the landlord.

*(As amended by Order 805)*

*(Subsections (d), (e) and (f) deleted by Order 814)*

(2) An application may be made by a tenant of any housing accommodation to the Rentals Appraiser for a variation of the fixed maximum rental of the accommodation by reason of the circumstance that

since the date on which the maximum rental for the accommodation was last fixed, there has been a lessening of the amount of the accommodation or of any appurtenances, furniture, furnishings, equipment, fixtures, services, or facilities that were supplied or to be supplied for the maximum rental; in which case, the Rentals Appraiser may decrease the maximum rental by an amount which is commensurate with the decreased rental value of the accommodation.

(3) No application by a landlord or a tenant for a variation of a fixed maximum rental shall be considered by a Rentals Appraiser unless it is by reason of one or more of the special circumstances set forth in this Section or in Section 5.

(4) Any variation of the maximum rental for any housing accommodation under this Order shall be deemed to be the fixation of the maximum rental for such accommodation.

*When an increased or decreased maximum rental may be charged*

**8.** (1) If a fixed maximum rental has been increased under subsection (1) of Section 7 and the tenant has not agreed to pay any increased rental, the increased maximum rental shall not be charged, demanded, received, collected or paid until the requirements of Section 17 have been fulfilled.

(2) When the fixed maximum rental for any housing accommodation has been increased under the provisions of this Order.

(a) by reason of any increase in the taxes or water rates referred to in clause (a) of subsection (1) of Section 7 and the tenant has agreed to pay an increased rental for that reason, the increased maximum rental may be collected to the extent of and in accordance with the agreement; or

(b) by reason of an increase in the amount of the accommodation or the supplying of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities referred to in clause (b) of subsection (1) of Section 7 and the tenant has agreed to pay an increased rental for that reason, the increased maximum rental may be collected as from the date of such supplying to the extent of and in accordance with the agreement, or

(c) by reason of the renovation referred to in clause (c) of subsection (1) of Section 7 and the tenant has agreed to pay an increased rental for that reason, the increased maximum rental may be collected as from the date of such renovation to the extent of and in accordance with the agreement, or

(d) by reason of the circumstances referred to in clause (d) or clause (e) or clause (f) of subsection (1) of Section 7 and the tenant has agreed to pay an increased rental for that reason, the increased

**A.—Wartime Prices and Trade Board—continued**

maximum rental may be collected as from the date on which the landlord's application was filed to the extent of and in accordance with the agreement.

provided that the right to collect, receive or pay any such increased rental shall be postponed until the date on which such maximum rental has been conclusively increased under the provisions of this Order.

(3) When the fixed maximum rental for any housing accommodation has been decreased under this Order by reason of the lessening of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities, the decreased maximum rental shall take effect from the date on which the lessening occurred; and the lease in effect for such accommodation shall be deemed to have been amended accordingly.

(4) Notwithstanding the provisions of the Wartime Leasehold Regulations prohibiting the charging, demanding, receiving, collecting and paying of any rental in excess of the maximum rental, in any case in which the landlord of any housing accommodation is entitled under this Order to make an application for an increased maximum rental for the accommodation, a lease may be made which provides for a rental higher than the fixed maximum rental subject to the maximum rental being varied under the provisions of this Order; but the right to collect, receive or pay any rental in excess of the fixed maximum rental shall be postponed until the date on which the maximum rental has been conclusively increased under the provisions of this Order.

*Procedure for application for variation of maximum rentals*

9. (1) An application to a Rentals Appraiser for the variation of a fixed maximum rental shall be made in the following manner:

- (a) a form of application provided by the Board shall be completed in duplicate by the applicant and all information required by such form shall be given;
- (b) both copies of the completed application shall be filed with the Rentals Appraiser;
- (c) the Rentals Appraiser shall forward a copy of the application to the opposite party by mail;
- (d) the opposite party to the application may, within ten days after the date on which it was mailed to him, forward or give to the Rentals Appraiser any written statement that he desires to make.

(2) The Rentals Appraiser may require such additional information from either party as he may direct, may conduct a hearing if he desires and may adopt such procedure as he deems proper.

(3) The Rentals Appraiser may require the evidence of the parties to be given under oath or affirmation and may administer such oath or affirmation, and may inspect the accommodation but no expense shall be incurred without the written authorization of a Rentals Administrator.

(4) The Rentals Appraiser may fix or vary the maximum rental of the accommodation described in the application or may dismiss the application.

(5) If the application is by reason of a sub-letting referred to in clause (f) of subsection (1) of Section 7, the Rentals Appraiser may refer the application to the Court of Rental Appeals for decision; in which case, the provisions of Section 11 shall apply as if the reference were an appeal.

(6) A Rentals Appraiser, of his own motion, may vary the maximum rental for any housing accommodation by reason of the existence of any circumstance referred to in Section 7.

**A.—Wartime Prices and Trade Board—continued**

(7) Any decision by a Rentals Appraiser shall be on a form provided by the Board and the decision shall continue in effect until varied by a decision made by the Court of Rentals Appeals or by a Rentals Administrator.

(8) On any application, no costs shall be awarded to either party.

*Fixation of maximum rental not previously fixed*

**10.** (1) The landlord of any housing accommodation described in subsection (2) following shall, before or within thirty days after making a lease therefor, make an application to the Rentals Appraiser to fix the maximum rental for the accommodation and if an application is made the landlord may collect the rental payable under the lease until the maximum rental is fixed but, if the landlord does not make the application within such thirty days the tenant, on notifying the Rentals Appraiser of such failure, may thereafter withhold payment of all rental until he has been notified by the Rentals Appraiser that an application has been made.

(2) Housing accommodation to which this Section applies shall be:

- (a) that for which there is no maximum rental;
- (b) that which has been altered since the date on which the maximum rental therefor was last fixed, resulting in substantially different accommodation;
- (c) that which has been customarily rented for a season or seasons only, if rented for any period not included in such season or seasons;
- (d) that which has been converted from commercial accommodation;
- (e) that for which the maximum rental is not ascertainable by the landlord.

(3) If there is no lease in effect for the housing accommodation at the time of the application, the landlord shall complete a form of application provided by the Board and shall furnish such information as the Rentals Appraiser may require and the provisions of subsections (2), (3), (4) and (7) of Section 9 shall apply to the application.

(4) If there is a lease in effect for the housing accommodation at the time of the application, all of the provisions of Section 9 (except subsection 5) shall apply as if the application were for variation of a fixed maximum rental.

(5) If a lease for any housing accommodation the maximum rental for which is fixed under this Section has been in effect at any time within a period of six months prior to the date on which the decision is made, such maximum rental shall, to the extent of such six months' period only, take effect and apply to any such lease.

(6) The maximum rental for any housing accommodation completed by original construction or structural alteration on or after January 1, 1944, shall be fixed at an amount which, in the opinion of the Rentals Appraiser or of the Court of Rental Appeals in the event of appeal, will yield a fair return, based on prevailing costs of land, labour and material.

(7) A Rentals Appraiser may, of his own motion, fix the maximum rental for any housing accommodation referred to in this Section.

(8) Any decision by a Rentals Appraiser shall be on a form provided by the Board and the decision shall continue in effect until varied by a decision made by the Court of Rental Appeals or by a Rentals Administrator.



**A.—Wartime Prices and Trade Board—continued**

(9) In the case of any housing accommodation referred to in subsection (2) preceding and completed by original construction or by structural alteration before January 1, 1944, the Rentals Appraiser shall fix the maximum rental therefor, at an amount that, in his opinion, is ten per cent higher than the rental generally prevailing on October 11, 1941, for similar accommodation in the vicinity or in a similar residential district of the same municipality, provided that the clause shall only apply to housing accommodation the occupant of which is entitled under his lease to the exclusive possession thereof and does not share with any other person, the use of a bathroom, bath, kitchen, kitchen sink, toilet, water closet or similar convenience in such place of dwelling; and for the purpose of this proviso the word "occupant" means either a single occupant, or two or more occupants jointly entitled to the same rights of occupancy or use of the same place of dwelling; provided however, that in the case of shared accommodation the Rentals Appraiser shall fix the maximum rental thereof at the amount generally prevailing on October 11, 1941, for similar accommodation in the vicinity or a similar residential district in the same municipality.

(10) In any case in which the maximum rental for any housing accommodation completed by original construction or structural alteration on or after January 1, 1944, and before the 31st day of March, 1947, was fixed under this Section by a decision dated prior to March 31, 1947, at an amount which does not yield a fair return based on prevailing costs of land, labour and material, the landlord of such accommodation may make application to the Court of Rental Appeals for an Order and that Court may make an order fixing the maximum rental for such accommodation in accordance with the provisions of subsection (6) of this Section, notwithstanding that the maximum rental for the accommodation had been previously fixed by a Court of Rental Appeals. The procedure on any such application shall be that prescribed by Section 11 following as if such application were an appeal.

(11) If the maximum rental for any housing accommodation is increased by a decision made by the Court of Rental Appeals under the provisions of subsection (10) preceding, such increased maximum rental shall not take effect earlier than the date on which the landlord filed the application with the Rentals Appraiser.

(12) In the case of any housing accommodation referred to in subsection (2) preceding and completed by original construction or by structural alteration before January 1, 1944, the occupant of which shares with any other person, the use of a bathroom, bath, kitchen, kitchen sink, toilet, water closet or similar convenience in such place of dwelling; and for the purpose of this proviso the word "occupant" means either a single occupant, or two or more occupants jointly entitled to the same rights of occupancy or use of the same place of dwelling, the Rentals Appraiser shall fix the maximum rental therefor at the amount generally prevailing on October 11, 1941, for similar accommodation in the vicinity or a similar residential district of the same municipality.

*Appeal from Rentals Appraiser*

**11.** (1) The decision of a Rentals Appraiser fixing or varying the maximum rental for any housing accommodation or dismissing an application for a fixation or variation of the maximum rental for any housing accommodation may be appealed by either party to the Court of Rental Appeals.

**A.—Wartime Prices and Trade Board—continued**

- (2) An appeal shall be made in the following manner:
  - (a) a notice of appeal provided by the Board shall be completed in duplicate by the party who is appealing;
  - (b) the party who is appealing shall, within thirty days after the date of the Rentals Appraiser's decision,
    - (i) serve one copy of the notice of appeal on the opposite party, if any, by personal service or by prepaid registered mail;
    - (ii) file the other copy and proof of service on any opposite party with the Rentals Appraiser or other officer designated by the Rentals Administrator;
  - (c) the Rentals Appraiser shall ascertain from the Court of Rentals Appeals the date of the hearing of the appeal and shall forward to each of the parties by mail a notice stating the date of hearing unless such Court itself sends such notice;
  - (d) the Rentals Appraiser shall forward to the Court of Rentals Appeals a copy of his decision, all material filed on the application and a memorandum setting forth such additional facts as were established before him; and such material and memorandum shall be open to inspection by either party;
  - (e) on the appeal, any relevant evidence may be submitted by either party.

(3) The Court of Rental Appeals may require such information in such manner as it may direct, may adopt such procedure at the hearing as it deems proper, may inspect the accommodation and, for the purpose of informing itself in the execution of its powers and duties, shall have the powers of a commissioner appointed under the Inquiries Act (R.S.C. 1927, chapter 99); but no expense shall be incurred without the written authorization of a Rentals Administrator.

(4) The said Court may confirm or revoke the decision of the Rentals Appraiser or make such variation or fixation of the maximum rental as could be made by the Rentals Appraiser under the provisions of this Order.

(5) The decision of the said court shall be on a form provided by the Board, shall be conclusive, and shall take effect as if it were the decision of the Rentals Appraiser.

(6) On any appeal under this Section, no costs shall be awarded to either party.

(7) In the absence of an appeal, the Rentals Administrator may refer to the Court of Rental Appeals for review any decision of a Rentals Appraiser and, upon any such reference being made, the Court of Rental Appeals shall deal with and dispose of such decision as if an appeal therefrom had been made by a party. The procedure set forth in Clauses (c), (d), and (e) of subsection 2 of this Section shall apply in any reference under this subsection.

**PART II—TERMINATION OF LEASES AND SPECIAL PROVISIONS CONCERNING HOUSING ACCOMMODATION**

*Dispossession prohibited under Order*

12. Except as provided in Sections 13, 14, 15A and 16 no tenant of any housing accommodation shall be dispossessed of such accommodation or be evicted therefrom and no landlord shall demand that any tenant vacate or deliver up possession of any housing accommodation.

**A.—Wartime Prices and Trade Board—continued***Dispossession under provincial law*

**13.** The landlord may recover possession of the accommodation in accordance with the law of the province in which it is situated if the tenant

- (a) is in default in payment of rent for fifteen days or longer, but if the maximum rental for the accommodation has been increased by a decision made under the authority of the Board and the tenant has agreed to pay an increased rental, such increase in the maximum rental shall, with respect to accrued instalments of rental, become due and payable as of the date of such decision;
- (b) is breaking any material provision of his lease, other than a provision to vacate, unless the breach is permitted under any Order of the Board; provided that the landlord, before exercising his rights under this Section by reason of this clause, shall inform the tenant in writing of the nature of the alleged breach; or
- (c) is in possession under a lease for a term certain of five months or less made on or after October 1, 1943, provided that this clause shall only apply to the first such lease made in any period of twelve months; or

*(Subsection (d) deleted by Order 814)*

- (e) must vacate in order to enable the landlord to comply with the order of any duly constituted authority under the law of the province or municipality in which the accommodation is situated, declaring such accommodation as unfit for human habitation; or
- (f) has given to the landlord, after the making of the lease for the accommodation but not as a term of the lease or a condition of obtaining it, a written notice of his intention to vacate the accommodation on a stated date and has failed to so vacate; or
- (g) is in occupation under a lease that is not for a term certain, has received from the landlord a notice in accordance with Section 17 and has not given to the landlord a notice in accordance with such Section; or
- (h) is in occupation of housing accommodation that is customarily let for a season or seasons and his lease is for a season or a part thereof; or
- (i) is a tenant in respect of whom an order has been made by the Court of Rental Appeals under Section 14; or
- (j) has been given a notice to vacate in accordance with Section 16 of this Order;
- (k) is a tenant of His Majesty in right of Canada or of any province thereof; or
- (l) with whom the lease was made under which possession of the accommodation is held has ceased to occupy the accommodation as his personal residence for a period exceeding five months.
- (m) is a tenant of any municipal corporation;
- (n) is a tenant of a farm-house or other place of dwelling adjunct or appurtenant to any real property which is being used, or was formerly used and is again intended for use, solely for the purpose of husbandry, agriculture or horticulture or for the keeping or breeding of horses, dogs, livestock, poultry, fur bearing animals or bees and such farm-house or other place of dwelling has been



**A.—Wartime Prices and Trade Board—*continued***

let separately from such real property and possession thereof is necessary for the efficient operation of such real property.

- (o) has not accepted the landlord's offer of the lease referred to in Section 18.
- (p) has been given a notice to vacate in accordance with Section 15A of this Order on or after November 1, 1948, and has failed to vacate.
- (q) is a tenant of any board or commission duly constituted under the authority of a province or municipality for the purpose of administering any public utility, school or other educational institution.

*(Added by Order 811)*

*Dispossession of obnoxious tenants*

**14.** (1) If the landlord of any housing accommodation wishes to terminate the tenant's lease because the conduct of the tenant or his sub-tenant or someone living with the tenant or sub-tenant is obnoxious to the other occupant or occupants of the building in which the accommodation is situated, or tends to harm its character, or because the tenant or his sub-tenant or someone living with the tenant or sub-tenant is damaging the accommodation or because the tenant or sub-tenant by not taking reasonable care of it is causing it to deteriorate, the landlord may apply to the Court of Rental Appeals for an order exempting the lease from the provisions of this Part.

(2) The application shall be made in the following manner:

- (a) a form of application provided by the Board shall be completed in duplicate by the landlord and all information required by such form shall be given;
- (b) both copies of the application shall be filed with the Rentals Appraiser;
- (c) the Rentals Appraiser shall ascertain from the Court of Rental Appeals the date of the hearing of the application;
- (d) the Rentals Appraiser shall forward by registered mail
  - (i) to the tenant a copy of the application and a notice stating the date on which the Court of Rental Appeals will hear the application, and
  - (ii) to the landlord a notice stating the date on which the Court of Rental Appeals will hear the application;
- (e) the Rentals Appraiser shall forward to the Court of Rental Appeals all material filed on the application.

(3) On the hearing of the application, the Court of Rental Appeals may require such information in such manner as it may direct, may adopt such procedure as it deems proper and may grant or refuse the order; but no costs shall be awarded to either party.

**15A.** (1) The landlord of any housing accommodation owned by him prior to November 1, 1947, may give to the tenant of that accommodation a notice to vacate on a form provided by the Board if he needs the accommodation as a residence for himself and undertakes not to rent or sell the accommodation prior to April 1, 1950. The landlord may recover possession of only one unit of housing accommodation under this Section

**A.—Wartime Prices and Trade Board—continued**

and before a notice to vacate is given it must be filed as provided in subsection (2) of this Section, and the length of notice shall be that set forth in Section 15B.

(2) Before giving any notice to vacate under this Section the landlord shall file one copy of the notice with the Rentals Appraiser who shall indicate on the copy that is to be given to the tenant and on the copy that is to be retained by the landlord that the notice has been filed with him in accordance with this subsection.

*Length of Notice to Vacate*

**15B.** Unless the lease provides for a longer notice, at least six months' notice to vacate shall be given directing the tenant to vacate

- (a) in the case of a monthly lease, at the end of a lease month or, in the case of a weekly lease, at the end of a lease week, but in neither case between September 30 and the following April 30;
- (b) in the case of any other lease not for a term certain at the end of the term or, if the unexpired portion of the term is less than six months, at the end of the following term;
- (c) in the case of a lease for a term certain, at the end of the term; but, if the unexpired portion of the term is less than six months at the date on which the notice is given, the notice shall be null and void and the provisions of Section 19 shall apply.

*Section 15 B (c) as substituted by Order 803*

**15C.** The provisions of Section 15A preceding shall apply where two or more persons, other than as personal representatives of a deceased landlord, are landlords of any housing accommodation and possession of the accommodation is desired by one or more of them as a residence for himself or themselves, as the case may be.

*Dispossession for purposes of sub-division*

**16.** (1) If the landlord of any housing accommodation desires possession of the accommodation for the purpose of dividing it by means of structural alteration into two or more accommodations, each having a floor area of not less than 500 square feet and each consisting of at least two rooms in addition to a kitchen or kitchenette, private bath and private toilet, he may make an application to the Rentals Appraiser for a permit to give a notice to vacate to the tenant.

(2) The application shall be on a form provided by the Board and all information required by the form shall be given.

(3) The landlord shall file with the application his plans of the proposed division and shall satisfy the Rentals Appraiser that

- (a) he has obtained or is able to obtain from all proper authorities any necessary permits for the division, and
- (b) the total number of persons that may reasonably be expected will occupy the proposed accommodations will exceed the number of persons presently occupying the accommodation.

(4) The Rentals Appraiser may require any additional information, may inspect the accommodation and may grant or refuse the permit.

(5) If the Rentals Appraiser refuses to grant a permit under this Section, the landlord may appeal to the Court of Rental Appeals; in which case, the Rentals Appraiser shall forward to the Court all material filed

**A.—Wartime Prices and Trade Board—*continued***

with him and a memorandum of any additional information obtained by him and the Court shall have all the powers conferred on the Rentals Appraiser by this Section.

(6) If a permit is granted under this Section, the landlord may give to the tenant a notice to vacate which shall be on a form provided by the Board or in the form set forth in the Appendix to this Order as Form No. 1.

(7) Unless the lease provides for a longer notice, at least three months' notice to vacate shall be given directing the tenant to vacate,

- (a) in the case of a monthly lease, at the end of a lease month or, in the case of a weekly lease, at the end of a lease week, but in neither case between September 30 and the following April 30;
- (b) in the case of any other lease not for a term certain, at the end of the term or, if the unexpired portion of the term is less than three months, at the end of the following term;
- (c) in the case of a lease for a term certain, at the end of the term, but if the unexpired portion of the term is less than three months at the date on which the notice is given, the notice shall be null and void and the provisions of Section 19 shall apply.

(8) If a tenant is required to vacate any housing accommodation under this Section, the accommodation shall not, without a permit in writing of the Rentals Appraiser, be rented in whole or in part to another tenant or be sold to any person until the division specified in the application is completed. This subsection shall not prevent a landlord from making a lease of any family unit referred to in subsection (1) preceding for occupation by the tenant after completion of the unit.

*Increasing rental to maximum rental*

17. (1) If the rental for any housing accommodation payable under a lease that is not for a term certain is less than the fixed maximum rental for the accommodation, the landlord may give to the tenant a notice which shall be on a form provided by the Board or in the form set forth in the Appendix to this Order as Form No. 2, requiring the tenant to pay a specified increased rental not exceeding the fixed maximum rental for the accommodation.

(2) The notice referred to in subsection (1) shall be given not later than the time prescribed by the law of the province in which the accommodation is situated for the giving of a notice to vacate, and shall require payment of the increased rental from the date on which the tenant would have been required to vacate had the notice been a notice to vacate under such law.

(3) Unless the tenant, within 30 days after receipt of the notice, gives to the landlord a notice in writing agreeing to pay such increased rental, the notice given by the landlord shall be deemed to have terminated the lease and the landlord may recover possession of the accommodation in accordance with the law of the province in which it is situated.

*Maximum Rental Increased*

18. (1) Notwithstanding anything contained in this Order or in Section 5 of the Wartime Leasehold Regulations the maximum rental for any housing accommodation which has been increased under Section 18 prior to the 22nd day of October, 1948, or fixed under the provisions of subsections (6), (9) or (10) of Section 10 of this Order for which heat is supplied or is to



**A.—Wartime Prices and Trade Board—*continued***

be supplied by the landlord for such maximum rental is hereby increased by an amount not exceeding 5 per cent and the maximum rental of all housing accommodation other than that which has been increased under Section 18 prior to the 22nd day of October, 1948, or fixed under the provisions of subsections (6), (9) or (10) of Section 10 of this Order is hereby increased by an amount not exceeding 10 per cent unless heat is supplied or is to be supplied by the landlord in which event the maximum rental shall be increased by an amount not exceeding 15 per cent.

(2) The landlord may require the tenant to pay the increased rental referred to in subsection (1) of this Section by complying with the provisions of Section 17 of this Order.

(3) From and after the 12th day of November, 1948, the provisions of subsection (1) of this Section shall only apply to any housing accommodation, the occupant of which is entitled under his lease to the exclusive possessions thereof and is not obliged by any term or condition, express or implied, of such lease, to share with any other person, the use of a bathroom, bath, kitchen, kitchen sink, toilet, watercloset or similar convenience in such place of dwelling; and for the purpose of this subsection the word "occupant" means either a single occupant, or two or more occupants jointly entitled to the same rights of occupancy and use of the same place of dwelling.

(4) From and after the 12th day of November, 1948, the maximum rental of any housing accommodation which was increased under the provisions of subsection (1) of this Section shall revert to the maximum rental which was in effect for that accommodation immediately prior to the 22nd day of October, 1948, unless the housing accommodation demised by the lease is a place of dwelling, the occupant of which is entitled under his lease to the exclusive possession thereof and is not obliged by any term or condition, express or implied, of such lease, to share with any other person, the use of a bathroom, bath, kitchen, kitchen sink, toilet, watercloset or similar convenience in such place of dwelling; and for the purpose of this subsection the word "occupant" means either a single occupant, or two or more occupants jointly entitled to the same rights of occupancy and use of the same place of dwelling.

**19.** (1) If a lease for any housing accommodation for a term certain contains no provision for renewal by the tenant and the provisions of Section 13 do not apply to the lease, the tenant may, at his option, vacate the accommodation at the end of the term certain or remain in possession of the accommodation; but if he remains in possession, the tenancy shall be deemed to be that which, under the law of the province in which the accommodation is situated, would arise as if the tenant had offered and the landlord had accepted rental at the rate stipulated in the lease; provided that, if the landlord, before accepting payment of rental for any period of occupancy after the end of the term certain, notifies the tenant in writing that he requires the tenancy to be from month to month after such term certain, the tenancy shall be from month to month accordingly, and the conditions of the lease shall continue to apply in so far as they are applicable to a tenancy from month to month and are not inconsistent with this Order.

(2) Notwithstanding anything contained in this Order, if a lease for any housing accommodation

(a) for a term certain contains a provision that, in the case of the occurrence of a specified event, the lease may be terminated

**A.—Wartime Prices and Trade Board—continued**

before the end of the term by notice to the tenant, the landlord shall be entitled at any time after the occurrence of such event to give to the tenant a notice in writing informing the tenant that, on and after the date specified in the notice, the tenancy shall be from month to month; provided that, the length of the notice given under the authority of this subsection shall not be shorter than that prescribed by the lease;

- (b) is not for a term certain, is not a monthly lease and contains no provision that the tenant may renew the lease, the landlord shall be entitled to give to the tenant a notice in writing informing the tenant that, on and after the date specified in the notice, the tenancy shall be from month to month; provided that the date specified in the notice shall not be earlier than the date on which the landlord, were it not for this Order, could terminate the lease by notice under the law of the province in which the accommodation is situated;

If a notice is given that is in accordance with this subsection in all respects, the tenancy of the accommodation shall be deemed to be from month to month commencing on the date specified in the notice; and the tenant shall be entitled to remain in possession of the accommodation as a tenant from month to month, and the conditions of the lease in regard to which the notice was given shall continue to apply in so far as they are applicable to a tenancy from month to month and are not inconsistent with this Order.

*Landlord's right of inspection*

**20.** (1) In the absence of agreement with the tenant to the contrary, the landlord of any housing accommodation shall be entitled to show or have his agent show prospective buyers through the accommodation at all reasonable times.

(2) If the tenant refuses to permit the inspection, the landlord may apply to the Rentals Appraiser for a notice by such Appraiser directing the tenant to permit any person specified in the notice to inspect the accommodation at a time specified in the notice and informing the tenant that, if he fails to permit such inspection, the landlord may apply to the Court of Rental Appeals for an order exempting the lease from the provisions of this Part.

(3) If, after receipt of the notice by the Rentals Appraiser, the tenant fails to permit the inspection, the landlord may make an application to the Court of Rental Appeals for an order exempting the lease from the provisions of this Part; in which case the provisions of subsections (2) and (3) of Section 14 shall apply.

*Rights of sub-tenants*

**21.** Notwithstanding anything contained in this Order

(1) no act or surrender by any tenant of housing accommodation shall enable any sub-tenant holding of such tenant to remain in occupation of the accommodation after the sub-lease has expired by effluxion of time or has been lawfully terminated; and

(2) if a tenant has let part, parts or the whole of the accommodation which he holds under lease from his landlord and after such letting surrenders to his landlord his lease and the balance of the term thereby demised, or should said lease be lawfully terminated in accordance with

**A.—Wartime Prices and Trade Board—continued**

the Orders of the Wartime Prices and Trade Board, then upon such surrender or such lawful termination the provisions of Part II of this Order shall cease to apply to the leases granted by such tenant.

*(Subsection (2) as substituted by Order 805.)*

**PART III—SHARED ACCOMMODATION***Shared accommodation in designated area*

**22.** With the exception of Section 23, the provisions of this Part shall not apply to any accommodation to which the provisions of Administrator's Order No. A-41 or No. A-488 apply.

*Dispossession of tenants of shared accommodation*

**23.** Except as provided in Order No. 428 of the Board, no tenant of any shared accommodation, other than a boarder, shall be dispossessed of such accommodation or be evicted therefrom and no landlord shall demand that any tenant vacate or deliver up possession of any shared accommodation.

*Shared accommodation when let as a unit*

**24.** The provisions of Parts I, II and IV of this Order, except Sections 14, 15A, 15B, 16 and 18 shall apply to all shared accommodation as if it were housing accommodation.

*Shared accommodation let at a rate per person*

**25.** No person shall let any shared accommodation at a rate per person unless the accommodation is equipped and furnished (including bedding, linen and the laundering thereof) for the sleeping accommodation of each occupant. For the purposes of this Part, when shared accommodation is let at a rate per person the occupant of the accommodation shall be deemed to be a roomer (or a boarder if any meals are supplied to him for an inclusive rate).

*Maximum rate per person*

**26.** (1) If any shared accommodation is equipped and furnished (including bedding, linen and laundering thereof) for the sleeping accommodation of each occupant.

- (a) the maximum rate per person at which the landlord of such accommodation may let it to any number of occupants shall be the rate per person that he had in effect for that number of occupants on July 1, 1943;
- (b) the maximum rate per person at which the landlord may let such accommodation to a number of occupants, for which number he had no rate per person in effect on July 1, 1943, shall be the rate per person first charged by him after July 1, 1943, for that number of occupants.

(2) No person shall charge, demand, receive, collect or pay for any shared accommodation a rate per person that is higher than the maximum rate per person fixed for the accommodation under this Section, except to the extent that it is varied under Section 27.



**A.—Wartime Prices and Trade Board—continued**

*Variation of per person rates*

27. (1) An application may be made by the landlord of any shared accommodation to the Rentals Appraiser to increase the maximum rate per person for the accommodation by reason of either of the following special circumstances:

- (a) the maximum rate per person is lower than the rate per person generally prevailing for similar occupancy of similar accommodation in the neighbourhood;
- (b) the supplying of any furniture, furnishings, equipment, fixtures, services, meals or facilities that were not supplied or to be supplied for such maximum rate;

in either of which cases, the Rentals Appraiser, if satisfied that such maximum rate per person is lower than the rate generally prevailing for similar accommodation in the neighbourhood, may increase it to an amount not exceeding such generally prevailing rate.

(2) An application may be made by a roomer or a boarder to decrease the maximum rate per person for the shared accommodation which he occupies, by reason of either of the following special circumstances:

- (a) the maximum rate per person is higher than the rate per person generally prevailing for similar occupancy of similar accommodation in the neighbourhood;
- (b) the lessening of any furniture, furnishings, equipment, fixtures, services, meals or facilities that were supplied or to be supplied for such maximum rate;

in either of which cases, the Rentals Appraiser, if satisfied that such maximum rate per person is higher than the rate per person generally prevailing for similar occupancy of similar accommodation in the neighbourhood, may decrease it to the amount of such generally prevailing rate.

(3) An application shall be made by the landlord of any shared accommodation to decrease the maximum rate per person for the accommodation by reason of a lessening or discontinuance of the supply of any furniture, furnishings, equipment, fixtures, services, meals or facilities that were supplied or to be supplied for such maximum rate; in which case the Rentals Appraiser may decrease the maximum rate per person for the accommodation to an amount not lower than the rate per person generally prevailing for similar accommodation in the neighbourhood.

(4) Any decision of a Rentals Appraiser made under this Section may be appealed by the landlord to the Court of Rental Appeals and the provisions of Section 11 preceding shall apply to any such appeal.

(5) A Rentals Appraiser, of his own motion, may vary the maximum rate per person for any shared accommodation by reason of the existence of any circumstance referred to in this Section.

*Posting up maximum rates*

28. A Rentals Administrator may from time to time by notice published in *Canadian War Orders and Regulations* require landlords of any shared accommodation in any area designated in the notice to keep posted in a conspicuous place in the accommodation a maximum rate card on a form provided by the Board, or to complete any form designated in the notice and file it with such officer as the notice may direct.

**A.—Wartime Prices and Trade Board—continued****PART IV—GENERAL PROVISIONS***All leases amended*

**29.** All leases made before or after October 1, 1943, shall be deemed to be amended in so far as is necessary to give effect to the provisions of this Order.

*Notices, etc., to and by wives, etc.*

**30.** For the purposes of this Order,

- (a) any notice, demand or document that is required or permitted by this Order to be given by or to any person may be given by or to the husband, wife, widow, widower or personal representative of any such person;
- (b) any application, statement or other document that is required or permitted by this Order to be made, filed or posted by any person may be made, filed or posted by the widow, widower or legal representative of any such person or the wife or husband of any such person who is a member of His Majesty's Forces;
- (c) personal occupation of any housing accommodation by the wife, husband, widow or widower of the landlord or of the tenant of such accommodation shall be deemed to be personal occupation by such landlord or tenant.

*False statement*

**31.** (1) No person shall make any false or misleading statement or representation in or in respect of any notice, demand, application, return, receipt, statement or other document that is required or permitted by or under this Order to be given, made, filed or posted.

(2) No person shall dispossess or evict any tenant from any housing accommodation, or require any tenant to vacate or deliver up possession of any housing accommodation, under any false or misleading representation.

*Agreement to waive rights*

**32.** Any agreement in a lease under which the tenant agrees to waive any of his rights under this Order shall be null and void.

*Sales and Collateral Transactions*

**33A.** (1) Any agreement of sale of housing accommodation which provides for forfeiture in the event of default in payment of the purchase price without liability for the unpaid part of such price shall, for the purposes of this Order, be deemed to be a lease and any payments made thereunder shall be deemed to be rental.

(2) If any agreement between a landlord and a tenant of any housing accommodation provides for payment by the tenant, in addition to the stipulated rental, of any sum as consideration for an option granted to the tenant to purchase the accommodation, such sum shall be deemed to be rental.

**33B.** No person, in letting or offering to let any housing accommodation or shared accommodation, or in negotiating a lease or renewal of a lease for any such accommodation or for furnishing any information respecting such accommodation, shall directly or indirectly charge, demand, collect

**A.—Wartime Prices and Trade Board—*continued***

or receive from any tenant or prospective tenant of such accommodation any commission, bonus, gratuity, reward or premium in money or money's worth, and if any such commission, bonus, gratuity, reward or premium is paid it shall be recoverable by such tenant or prospective tenant from the person to whom it was paid.

**33C.** (1) No person in letting or offering to let any housing accommodation or shared accommodation, or in negotiating a lease or renewal of a lease for any such accommodation, shall require the tenant or prospective tenant

- (a) to purchase any goods from any person unless and until the maximum price for such goods has been fixed by the Rentals Appraiser; or
- (b) to rent any goods from any person other than the landlord of the accommodation unless and until the maximum rental for such goods has been fixed by the Rentals Appraiser.

(2) No landlord of any housing accommodation or shared accommodation and no person on behalf of such landlord, shall sell any goods to the tenant or prospective tenant of such accommodation unless and until the maximum price for such goods has been fixed by the Rentals Appraiser.

(3) An application for the fixation of a maximum price or maximum rental under this Section shall be made, on a form provided by the Board, by the owner of the goods or by the tenant or prospective tenant.

(4) If any sale or lease of goods is made in contravention of this Section a maximum price or maximum rental may be fixed by the Rentals Appraiser and such fixation shall be deemed to be effective as at the date of the sale or lease of such goods.

(5) Any fixation by the Rentals Appraiser shall be final and conclusive.

(6) For the purposes of this Section "goods" means any articles, commodities, substances or things including the personal or household effects of any person.

**33D.** No person shall require the tenant or prospective tenant of any housing accommodation or shared accommodation to pay more than one month's rental in advance or, if the rent is payable or to be payable by the week, more than one week's rental in advance.

**33E.** (1) Whenever it appears to the Rentals Administrator that any term or condition has been imposed on the tenant or prospective tenant of any housing accommodation or shared accommodation which, in the Administrator's opinion, is unreasonable or unjust or is designed to evade or has the effect of evading the spirit and intent of the Wartime Leasehold Regulations or of this or any other Order, the Rentals Administrator may determine that such term or condition was imposed as a term of the letting or of the offer to let any such accommodation and he may, with the approval of the Chairman, issue special directions in writing with respect thereto.

(2) Any determination by the Rentals Administrator as provided in subsection (1) preceding shall be final and conclusive.



**A.—Wartime Prices and Trade Board—continued***Powers of Rentals Administrator*

**34.** (1) Notwithstanding anything contained in any Order, a Rentals Administrator may

- (a) require any person to furnish any information in any specified form and manner;
- (b) enter or authorize any other person to enter any housing accommodation or shared accommodation to inspect it or to examine any books, records and documents relating thereto;
- (c) require any person to produce any or all books, records and documents relating to any housing accommodation or shared accommodation at any place before the Rentals Administrator or before any person appointed by him; and may take or authorize any person to take possession of any or all such books, records and documents;
- (d) exempt any lease from any provision of this Order, effective on and after such date as he may designate;
- (e) fix or vary the maximum rental for any housing accommodation or shared accommodation that is not the subject of a pending application or appeal;
- (f) refer to a Rentals Appraiser the fixation or variation of any maximum rental that has not been fixed or varied by a decision made under the authority of the Board;
- (g) vary any decision of a Rentals Appraiser that is not the subject of a pending appeal or, with the approval of the Chairman of the Board, vary any decision of a Court of Rental Appeals fixing or varying a maximum rental;
- (h) authorize the re-opening of any decision fixing or varying a maximum rental and the re-consideration of the matter as if the decision had not been made;
- (i) for any area, appoint any person as a Rentals Appraiser with such of the powers of a Rentals Appraiser under this Order as he may designate;
- (j) determine whether any particular real property is housing accommodation or commercial accommodation or shared accommodation or a hotel or any real property or accommodation referred to in subsection (1) of Section 2 and may direct that such real property shall be governed by the provisions of such Order of the Board as he may designate accordingly; and such determination and direction shall be conclusive;
- (k) exempt any person from compliance with the provisions of Section 33B preceding.

(2) A Rentals Administrator shall have the powers of a commissioner appointed under the Inquiries Act.

(3) The method and procedure of exercising his powers shall be such as a Rentals Administrator may adopt.

(4) The decision of a Rentals Administrator shall be final and conclusive.

*Area having no (1) Rentals Appraiser; (2) Court of Rental Appeals*

**35.** (1) In any area in which no Rentals Appraiser is appointed, all applications under this Order shall be made to the Court of Rental Appeals

**A.—Wartime Prices and Trade Board—*continued***

for such area, in which case all of the provisions of this Order shall apply as if the application were made to a Rentals Appraiser and the decision of the Court shall be conclusive as between the parties.

(2) In any area in which no Court of Rental Appeals is appointed, all appeals under Sections 11 and 16 and all applications under Section 14 shall be made,

- (a) in all provinces except Quebec, to any Judge of the County or District Court of the county or district in which the accommodation concerned is situated and
- (b) in the cities of Quebec and Montreal in the province of Quebec, to the Court of Sessions of the Peace, and in other areas of that province, to the District Magistrate for the district in which the accommodation concerned is situated.

On any such appeal or application, all of the provisions of this Order shall apply and be construed as if such Judge, Court or Magistrate, as the case may be, were a Court of Rental Appeals.

**36.** Order No. 294 of the Board as amended is hereby revoked and the provisions of this Order are substituted therefor; provided that wherever in any form, order made by the Board or an Administrator, decision of an Appraiser, Court of Rental Appeals or by a Commissioner as defined by Order No. 753 of the Board, lease, notice to vacate or other document reference is made to Order No. 294 of the Board the same shall be construed as if reference were made to the said Order No. 294 of the Board as to any time prior to February 1, 1949 and to this order thereafter.

**37.** This Order shall be effective on and after the 1st day of February, 1949.

Made at Ottawa, the 12th day of January, 1949.

K. W. TAYLOR,  
*Chairman.*

APPENDIX

**Maximum Rentals Fixed Before October 11, 1941**

1. Before October 11, 1941, Order No. 7 of the Board was in effect in the following areas. Under that Order, the maximum rental for housing accommodation situated in any of those areas is as follows:

- (a) for any housing accommodation for which there was a lease in effect on January 2, 1940 the maximum rental is the rental in effect on that date;
- (b) for any housing accommodation for which there was no lease in effect on January 2, 1940, but for which there was a lease in effect at some time or times during 1939, the maximum rental is the rental payable under the latest lease in 1939.

AREAS

Alberta:

Calgary.

**A.—Wartime Prices and Trade Board—continued****British Columbia:**

Nanaimo and Districts of Nanaimo, Mountain and Wellington; New Westminster; Prince Rupert; Vancouver, North Vancouver; Victoria, Esquimalt, Saanich, Oak Bay and the district commonly known as View Royal and being those portions of Sections 3, 27, 8 and 92 in Esquimalt District lying to the northwest of the Island Highway.

**Manitoba:**

Brandon.

**Nova Scotia:**

Dartmouth and Woodside; Halifax, Armdale, Rockingham Station, Dutch Settlement, Fairview Station, Falkland, Jollimore and Melville; New Glasgow, Trenton, Stellarton and Westville; Sydney.

**Ontario:**

Barrie; Kingston, Portsmouth; Ottawa, Eastview, New Edinburgh, Overbrook, Rockciffe, Westboro and Woodroffe; Parry Sound, Nobel and Townships of McDougall and Foley; Trenton; Windsor.

**Quebec:**

Brownsburg; Thetford Mines.

2. Before October 11, 1941, Order No. 33 of the Board was in effect in the following areas. Under that Order, the maximum rental for housing accommodation situated in any of those areas is as follows:

- (a) for any housing accommodation for which there was a lease in effect on January 2, 1941, the maximum rental is the rental in effect on that date;
- (b) for any housing accommodation for which there was no lease in effect on January 2, 1941, but for which there was a lease in effect at some time or times during 1940, the maximum rental is the rental payable under the latest lease in 1940.

**Alberta:**

Camrose; Claresholm; Edmonton, including the area known as Dunvegan Yards, and the Town of Beverley; Lethbridge; Medicine Hat; Red Deer, the Village of North Red Deer and the District of Pine Lake.

**British Columbia:**

The area known as North Saanich.

**Manitoba:**

Dauphin.

**New Brunswick:**

Moncton, the Town of Sunny Brae, the Parish of Moncton in the County of Westmorland and the Parish of Coverdale in the County of Albert; Sussex.

**Nova Scotia:**

Truro; Yarmouth.

**Ontario:**

Alliston and the Township of Tosorontio; the Township of Essa including Cookstown; Stayner, the Village of Creemore and that part of the Township of Nottawasaga lying south of Provincial Highway



**A.—Wartime Prices and Trade Board—continued**

Ontario—*Conc.*

Routes Nos. 26 and 91 and east of the Highway between Concessions 4 and 5 leading southward to the Village of Creemore; that part of the Township of Sunnidale lying south of Provincial Highway Route No. 26, including New Lowell; the Township of Vespra (all in the County of Simcoe).

Belleville.

Brockville.

Fort William and Port Arthur.

Goderich.

Hamilton; the Town of Dundas; that part of the Township of Ancaster lying north of Provincial Highway Route No. 53 and east of the line between Township lots 36 and 37; the Townships of Barton and Saltfleet; the Village of Stoney Creek, the Village of Waterdown; those parts of the Township of East Flamborough lying south and east of Provincial Highway Route No. 5; the town of Burlington; that part of the Township of Nelson lying south and east of Provincial Highway Route No. 5; Burlington Beach and Hamilton Beach.

Niagara Falls; the Township of Stamford, Fort Erie and Fort Erie North; the Village of Crystal Beach and the Township of Bertie.

Ojibway, Lasalle and the Township of Sandwich West; Riverside, Tecumseh and the Township of Sandwich East.

Oshawa, Whitby; the Townships of Whitby, Whitby East and Pickering.

Pembroke and the Townships of Pembroke, Stafford, Alice and Petawawa.

Peterborough; that part of the Township of North Monaghan bounded on the east and southeast by the Otonabee River, on the north by McKellar Street and on the west by Monaghan Road, including both sides of such streets; that part of said Township consisting of Kenneth Avenue, High Street, Frank Street, Chamberlain Street, Brown Street, Lundy's Lane, Romaine Street west and St. Mary's Street; that part of Smith Township consisting of Wolseley Street, Bennett Street and Bellevue Avenue; that part of Douro Township consisting of River Road and Leahy's Lane.

Prescott, and those parts of the Townships of Edwardsburg and Augusta lying south of the Canadian National Railway line to Montreal, west of Provincial Highway Route No. 16 and east of Conway's Creek.

Sault Ste. Marie:

St. Catharines; Merritton; Port Dalhousie; that part of the Township of Grantham lying west of the New Welland Canal; the Township of Louth.

Those parts of the Townships of Gloucester and Nepean, in the County of Carleton, not included in the areas to which Order No. 7 applied.

Welland and the Township of Crowland; Thorold and the Township of Thorold; the Village of Fonthill and the Township of Pelham; Port Colborne, the Village and Township of Humberstone.

A.—Wartime Prices and Trade Board—*continued*

Quebec:

Arvida; Chicoutimi; the Towns of Jonquière and Kénogami; the Villages of Rivière-du-Moulin and Ste. Anne-de-Chicoutimi; the Parishes of Jonquière, Simard, Tremblay and Chicoutimi.

Lachute and the municipalities of Chatham and St. Jérusalem; the Town and municipality of Ste. Thérèse de Blainville, the Town of Ste. Rose; the municipality of St. Janvier; the Town of St. Jérôme.

Valleyfield; the Villages of Bellerive, Nouveau-Salaberry, Ste. Cécile and St. Timothée; the Parishes of Grande Ile, Ste. Cécile and St. Timothée (all in the County of Beauharnois).

Saskatchewan:

Regina; the Village of North Regina; those parts of Sections 29, 30, 31 and 32 in Township 17, Range 19, west of the second meridian, lying outside the city of Regina and including that area commonly known as North Annex.

Swift Current.

Yorkton.

FORMS

FORM No. 1

Notice to Vacate for the purpose of subdivision.

Date.....

To (name and address of tenant)

Take notice that I require you to vacate housing accommodation known as....., on the ..... day of ....., 194 , next, as I desire possession of the accommodation for the purpose of dividing it by means of structural alteration into family units so as to accommodate more persons in the accommodation. Permit No. .... for the giving of this notice has been granted by the Rentals Appraiser.

.....  
*Landlord.*

FORM No. 2

Notice to Tenant to Pay Increased Rental  
(Lease not for a term certain)

Date .....

To (name and address of tenant)

1. Take notice that on and after the ..... day of ....., 194 , next, I require you to pay a rental of \$......per month, being a rental not in excess of the maximum rental for the housing accommodation of which you are my tenant.

**A.—Wartime Prices and Trade Board—*continued***

2. And further take notice that unless you notify me in writing within thirty days after you receive this notice that you will pay a rental of \$.....per month, you must vacate the housing accommodation known as.....on the .....day of ..... , 194 , next.

.....  
*Landlord.*

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**A.—Wartime Prices and Trade Board—continued****PART IV—GENERAL PROVISIONS**

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**WARTIME PRICES AND TRADE BOARD****Order No. 803***As amended by Order No. 814***Respecting Termination of Leases for Housing Accommodation**

Under powers conferred by the Wartime Leasehold Regulations, Order in Council P.C. 9029 of November 21, 1941, as amended, the Board hereby orders as follows:

1. This Order shall come into force on March 1, 1949.
2. For the purpose of this Order,
  - (a) the definition of any expression contained in Order No. 800 of the Board shall extend and apply to the same expression wherever used in this Order;
  - (b) "Commissioner" means any person appointed as such for any particular area by the Rentals Administrator under the provisions of Order No. 753 of the Board.

3. Notwithstanding anything contained in any other Order of the Board, if parts of the housing accommodation are sublet to others who are obliged by any express or implied term or condition of the sub-leases, to share with any person the use of a bathroom, bath, kitchen, kitchen sink, toilet or water-closet in such housing accommodation, and if the landlord of the housing accommodation is the owner thereof, such landlord may make an application to a commissioner for an order permitting him to recover possession in accordance with the law of the province in which such accommodation is situated.

*New Section substituted by Order 814*

4. (1) The application shall be made in duplicate and both copies shall be filed with the Rentals Appraiser.

(2) The Rentals Appraiser with whom the application is filed shall forthwith forward one copy by registered mail to the tenant.

(3) The Rentals Appraiser shall ascertain from the Commissioner the date of the hearing of the application, and shall serve upon the landlord and tenant by personal service or by prepaid registered mail a notice stating the date on which the Commissioner will hear the application. The notice shall be served personally or mailed not less than fourteen days prior to the date of the hearing.

**A.—Wartime Prices and Trade Board—*continued***

(4) If the tenant desires to oppose the application, he may, at or before the hearing give to the landlord and file with the Rentals Appraiser a statement in writing setting forth the material facts upon which he relies.

(5) The Rentals Appraiser shall forward to the Commissioner all material filed on the application.

(6) The landlord and tenant shall be entitled to be present at the hearing.

(7) A Commissioner shall have the powers of a commissioner appointed under the Inquiries Act.

5. The landlord at the hearing shall prove to the satisfaction of the Commissioner that he has offered a lease to each of the sub-tenants of the accommodation on the same terms and conditions as the sub-tenants now enjoy.

6. At the hearing, the commissioner may require such further information in such manner as he may direct, may adjourn the hearing from time to time and may adopt such procedure as he deems proper, may require the landlord, if he deems such requirements proper, to offer to let to the tenant all or part of the rooms which the tenant then occupies as his personal residence at a maximum rental to be fixed by the Rentals Appraiser, and according to what he deems reasonable and just in the circumstances as established, may make an order effective on and after such date as he may designate, exempting the lease between the landlord and tenant from the provisions of Part II of Order No. 800 of the Board, or may dismiss the application. No costs shall be awarded to either party and the decision of the commissioner shall be final and conclusive.

*New Section substituted by Order 814*

Made at Ottawa, February 15, 1949.

F. S. GRISDALE,  
*Deputy Chairman.*

**WARTIME PRICES AND TRADE BOARD**

**Order No. 807**

**Respecting Maximum Rentals of Housing and Shared Accommodation in the City of Winnipeg**

WHEREAS the assessed values of many real properties containing housing accommodation in the City of Winnipeg have been increased;

AND WHEREAS the municipal and school taxes which will be payable upon such real properties for the year 1949 will be increased;

AND WHEREAS it is expedient that landlords of housing accommodations in such real properties be allowed an increase of maximum rentals to the extent of such increases in taxes by general order rather than by individual decisions of Rentals Appraisers;

NOW THEREFORE under powers conferred by the Wartime Leasehold Regulations, Order in Council P.C. 9029 of November 21, 1941, as amended, the Board hereby orders as follows:

1. For the purpose of this Order the definition of any expression contained in Order No. 800 of the Board shall extend and apply to the same expression wherever used in this Order.

**A.—Wartime Prices and Trade Board—continued**

2. This Order shall apply only to housing accommodation and shared accommodation in respect of which the City of Winnipeg in the Province of Manitoba has issued a tax bill for the year 1949.

3. In any case in which there has been an increase in municipal and school taxes for the year 1949 for any housing accommodation comprising the whole of any real property for which only one municipal and school tax bill has been issued and such increase has resulted in part from an increase in the assessed value of such real property the maximum rental per month for such housing accommodation is hereby increased by an amount equal to one twelfth ( $\frac{1}{12}$ ) of the excess of the municipal and school taxes levied for the year 1949 over those levied for the year 1948, calculated to the next higher quarter of a dollar.

4. The maximum rental per month of any housing accommodation

- (a) which comprises a part and not the whole of a real property for which one undivided bill for municipal and school taxes has been issued for the year 1949, and the assessed value for purposes of municipal and school taxation of such real property has been increased in the year 1949, and
- (b) the occupant of such housing accommodation is entitled under his lease to the exclusive possession thereof and is not obliged by any terms or condition express or implied of such lease to share with any other person the use of a bathroom, bath, kitchen, kitchen sink, toilet, water closet or similar convenience in such place of dwelling; and for the purpose of this Section the word "occupant" means either a single occupant or two or more occupants jointly entitled to the same rights of occupancy and use of the same unit of housing accommodation,

is hereby increased by three per centum (3%) calculated to the next higher quarter of a dollar.

5. Sections 3 and 4 of this Order shall not apply to any shared accommodation or to any housing accommodation other than that referred to in the said Sections; provided however that landlords of any shared accommodation or any housing accommodation other than that referred to in the said Sections may apply for an increase in maximum rental therefor under the provisions of clause (a) of subsection (1) of Section 7 of Order No. 800 of the Board.

6. Notwithstanding the provisions of Sections 3 and 4 of this Order a landlord may apply to a Rentals Appraiser for an increase of maximum rental for any housing accommodation under the provisions of clause (a) of subsection (1) of Section 7 of Order No. 800 of the Board, in which event the provisions of this Order shall cease to apply to any such accommodation.

7. This Order shall be effective to vary the maximum rentals for any housing accommodations to which it applies as and from the 1st of January, 1949; provided however that if the tenant has not agreed or does not agree to pay any such increased rental, the increased maximum rental granted under this Order shall not be charged, demanded, received, collected or paid until the requirements of Section 17 of Order No. 800 of the Board have been fulfilled.

Dated at Ottawa this 19th day of May, 1949.

K. W. TAYLOR,

*Chairman.*



**A.—Wartime Prices and Trade Board—continued****WARTIME PRICES AND TRADE BOARD****Order No. 808****Respecting Maximum Rentals of Housing and Shared Accommodation in the City of Victoria**

WHEREAS the rate upon which the municipal and school taxes in the City of Victoria will be levied for the year 1949 has been fixed at 53 mills upon the dollar of assessment;

AND WHEREAS this rate is  $7\frac{1}{2}$  mills higher than that in effect for the year 1948;

AND WHEREAS therefore the municipal and school taxes which will be payable upon real properties in the City of Victoria for the year 1949 will be increased over those which were payable for the year 1948;

AND WHEREAS it is expedient that landlords of housing accommodations in such real properties be allowed a corresponding increase of maximum rentals by general order rather than by individual decisions of Rentals Appraisers;

NOW THEREFORE under powers conferred by the Wartime Leasehold Regulations, Order in Council P.C. 9029 of November 21, 1941, as amended, the Board hereby orders as follows:

1. For the purpose of this Order the definition of any expression contained in Order No. 800 of the Board shall extend and apply to the same expression wherever used in this Order.

2. This Order shall apply only to housing accommodation and shared accommodation in respect of which the City of Victoria in the Province of British Columbia has issued a tax bill for the year 1949.

3. In any case in which there has been an increase in municipal and school taxes for the year 1949 for any housing accommodation comprising the whole of any real property for which only one municipal and school tax bill has been issued the maximum rental per month for such housing accommodation is hereby increased by an amount equal to one twelfth ( $\frac{1}{12}$ ) of the excess of the municipal and school taxes levied for the year 1949 over those levied for the year 1948, calculated to the next higher quarter of a dollar.

4. The maximum rental per month of any housing accommodation

- (a) which comprises a part and not the whole of a real property for which one undivided bill for municipal and school taxes has been issued for the year 1949, and
- (b) the occupant of such housing accommodation is entitled under his lease to the exclusive possession thereof and is not obliged by any terms or conditions express or implied of such lease to share with any other person the use of a bathroom, bath, kitchen, kitchen sink, toilet, water closet or similar convenience in such place of dwelling; and for the purpose of this Section the word "occupant" means either a single occupant or two or more occupants jointly entitled to the same rights of occupancy and use of the same unit of housing accommodation,

is hereby increased by two per centum (2%) calculated to the next higher quarter of a dollar.

**A.—Wartime Prices and Trade Board—continued**

5. Sections 3 and 4 of this Order shall not apply to any shared accommodation or to any housing accommodation other than that referred to in the said Sections; provided however that landlords of any shared accommodation or any housing accommodation other than that referred to in the said Sections may apply for an increase in maximum rental therefor under the provisions of clause (a) of subsection (1) of Section 7 of Order No. 800 of the Board.

6. Notwithstanding the provisions of Sections 3 and 4 of this Order a landlord may apply to a Rentals Appraiser for an increase of maximum rental for any housing accommodation under the provisions of clause (a) of subsection (1) of Section 7 of Order No. 800 of the Board, in which event the provisions of this Order shall cease to apply to any such accommodation.

7. This Order shall be effective to vary the maximum rentals for any housing accommodations to which it applies as and from the 1st of January, 1949; provided however that if the tenant has not agreed or does not agree to pay any such increased rental, the increased maximum rental granted under this Order shall not be charged, demanded, received, collected or paid until the requirements of Section 17 of Order No. 800 of the Board have been fulfilled.

Dated at Ottawa this 19th day of May, 1949.

K. W. TAYLOR,  
*Chairman.*

**WARTIME PRICES AND TRADE BOARD****Order No. 809****Respecting Maximum Rentals of Housing Accommodation Situated in Multiple-Family Buildings in the City of Toronto**

WHEREAS the assessed values of many apartment houses, triplexes and duplexes in the City of Toronto have been increased;

AND WHEREAS the municipal and school taxes payable on such real properties for the year 1949 are greater than those payable in the year 1948 notwithstanding a reduction that has been made in the mill rate;

AND WHEREAS it is expedient that the maximum rentals of housing accommodations contained in such real properties be increased by general order rather than that the landlords thereof be required to make individual applications to the Rentals Appraiser;

NOW THEREFORE under powers conferred by the Wartime Leasehold Regulations, Order in Council P.C. 9029, of November 21, 1941, as amended, the Board hereby orders as follows:

1. For the purpose of this Order the definition of any expression contained in Order No. 800 of the Board shall extend and apply to the same expression wherever used in this Order.

2. This Order shall apply only to housing accommodation situated within the boundaries of the Municipal Corporation of the City of Toronto in the Province of Ontario.

3. This Order shall not apply to any detached, semi-detached or terrace-type house which contains only one housing accommodation.

**A.—Wartime Prices and Trade Board—*continued***

4. The maximum rental of any housing accommodation in any building which contains two or more housing accommodations, is hereby increased by four per centum calculated to the next higher quarter of a dollar.

5. Notwithstanding the provisions of Section 4 of this Order, a landlord may apply to a Rentals Appraiser for an increase of maximum rental for any housing or shared accommodation under the provisions of clause (a) of subsection (1) of Section 7 of Order No. 800 of the Board in which event the provisions of this Order shall not apply to such accommodation.

6. This Order shall be effective to vary the maximum rentals for any housing accommodations to which it applies as and from the 1st of January, 1949; provided however that if the tenant has not agreed or does not agree to pay any such increased rental, the increased maximum rental granted by this Order shall not be charged, demanded, received, collected or paid until the requirements of Section 17 of Order No. 800 of the Board have been fulfilled.

Dated at Ottawa this 19th day of August, 1949.

W. T. WILSON,  
*Deputy Chairman.*

**WARTIME PRICES AND TRADE BOARD**

**Order No. 813**

*(Consolidated as amended by Order No. 818)*

**Respecting Maximum Rentals and Termination of Leases  
for Self-contained Dwellings and Lodgings**

Under powers conferred by the Wartime Leasehold Regulations, Order in Council P.C. 9029 of November 21, 1941, as amended, the Board hereby orders as follows:

1. This Order shall be effective on the 15th of December, 1949.

2. For the purpose of this Order

(a) "lodging" means any place of dwelling that is not a self-contained dwelling;

(b) "self-contained dwelling" means any place of dwelling the tenant of which is not required by any term or condition, express or implied, of his lease to share with any person the use of a water-closet or similar device, and for the purpose of this definition the word "tenant" means either one person or two or more persons jointly entitled to the same rights of occupancy and use of the said place of dwelling;

(c) unless the context otherwise requires the definition of any expression contained in Order No. 800 of the Board shall extend and apply to the same expression wherever used in this Order.

3. (1) Notwithstanding anything contained in any previous Order of the Board or in Section 5 of the Wartime Leasehold Regulations, the maximum rental of any lodging is hereby increased by 20 per cent; provided that this Section shall not apply to any shared accommodation the maximum rate of which is fixed on a per person basis in accordance with Sections 26 and 27 of Order No. 800 of the Board.



**A.—Wartime Prices and Trade Board—continued**

(2) The landlord may require the tenant of any lodging to pay the increased rental referred to in sub-section (1) of this Section by giving to the tenant a notice on a form provided by the Board.

(3) If the lease is not for a term-certain, the length of the notice referred to in sub-section (2) of this Section shall be not less than is prescribed by the law of the province in which the lodging is situated for the giving of a notice to vacate and shall require payment of the increased rental from the day following the date on which the tenant would have been required to vacate had the notice been a notice to vacate under such law.

(4) If the lease is for a term-certain, the notice referred to in sub-section (2) of this Section shall be given not later than thirty days before the end of the term and shall require payment of the increased rental from the day following the end of the term.

(5) Unless the tenant pays to the landlord the increased rental so demanded on or before the day specified in the said notice for the payment thereof the landlord shall be deemed to have terminated the lease as if such notice had been a notice to vacate given under the law of the province in which the lodging is situated directing the tenant to vacate on the day preceding the date on which the said notice required the tenant to pay the increased maximum rental and the landlord may recover possession in accordance with the said law of the province in which the lodging is situated.

4. (1) Notwithstanding anything contained in any previous Order of the Board a landlord may terminate a lease of any lodging by giving the tenant thereof a notice to vacate.

(2) Unless the lease provides for a longer notice at least six months notice to vacate shall be given directing the tenant to vacate

(a) in the case of a monthly lease, at the end of a lease month, or, in the case of a weekly lease, at the end of a lease week;

(b) in the case of any other lease not for a term-certain, at the end of the term, or, if the unexpired portion of the term is less than six months, at the end of the following term;

(c) in the case of a lease for a term-certain, at the end of the term, if the unexpired portion of the term is six months or more.

(3) A landlord of any lodging may recover possession thereof in accordance with the law of the province in which it is situated if he has given to the tenant of such lodging a notice to vacate in accordance with the provisions of this Section and the tenant has failed to vacate.

5. (1) Notwithstanding anything contained in any previous Order of the Board or in Section 5 of the Wartime Leasehold Regulations the maximum rental of any self-contained dwelling is hereby increased by an amount not exceeding 18 per cent, unless heat is supplied or is to be supplied by the landlord, in which event the maximum rental is hereby increased by an amount not exceeding 22 per cent, provided that in either case, the landlord offers to the tenant thereof, on a form provided by the Board, a lease for a term-certain which shall be for not less than one year and the end of which shall not be prior to April 30, 1951, on the same conditions as the existing lease except as to the altered rental permitted by this Section and except as provided in sub-sections (3), (4) and (5) of this Section.

**A.—Wartime Prices and Trade Board—continued**

(2) If the tenant fails or refuses to accept the landlord's offer referred to in subsection (1) of this Section within thirty days after receipt of such offer by completing the form of acceptance appearing thereon and delivering the same to the landlord the tenant's right of occupancy of the self-contained dwelling shall terminate

- (a) in the case of a lease for a term-certain, at the end of the current term of the lease; or
- (b) in the case of a lease not for a term-certain, on the day on which the tenancy would terminate had such offer been a notice to vacate given in accordance with the law of the province in which the self-contained dwelling is situated,

and the landlord may recover possession of the self-contained dwelling in accordance with the law of the province in which it is situated.

(3) (a) if the tenant's existing lease is for a term-certain, the lease referred to in subsection (1) of this Section shall not commence earlier than the end of the term of the existing lease, nor shall it commence earlier than thirty days after the date of the giving of the offer of the lease referred to in subsection (1) of this Section.

(b) If the tenant is in possession under a lease that is not for a term-certain, the lease referred to in subsection (1) of this Section shall not commence earlier than the day following the date on which (were it not for the provisions of Order No. 800 of the Board) the tenant could be required to vacate pursuant to the notice to vacate given in accordance with the laws of the province in which the self-contained dwelling is situated.

*Clause (b) as amended by Order 818*

(4) The term-certain lease referred to in subsection (1) of this Section may be terminated during its term for any of the reasons set out in clauses (a), (b), (e), (f), (i), or (l) of Section 13 of Order No. 800 of the Board but shall not contain any provision for its termination on notice by the landlord before the end of the term thereof and shall contain provision that the tenant may terminate such lease during the currency thereof at the end of any rental month by giving to the landlord a clear month's notice in writing of his intention so to do.

(5) The lease referred to in subsection (1) of this Section shall contain provision that the tenant may not assign it.

6. The provisions of this Order and of Order No. 800 of the Board and of Section 5 of the Wartime Leasehold Regulations shall not apply to any self-contained dwelling in respect of which a lease in writing for a term-certain of not less than two years is made, on or after the effective date of this Order, with the tenant in possession of such self-contained dwelling; provided such lease shall not contain any provision for its termination on notice by the landlord before the end of the second year of the term thereof.

7. (1) The landlord of any self-contained dwelling, owned by him prior to November 1, 1949, may give to the tenant thereof a notice to vacate on a form provided by the Board, if the landlord needs the self-contained dwelling as a residence for himself and the members of his family.

(2) A landlord who has given a notice to vacate under the provisions of this Section shall not rent or sell the self-contained dwelling prior to April 1, 1951, without the written permission of the Rentals Administrator and in the said notice to vacate shall undertake not to do so.

**A.—Wartime Prices and Trade Board—*continued***

(3) A landlord may recover possession of only one self-contained dwelling under this Section and the landlord may not recover possession of any self-contained dwelling under this Section if he has already recovered possession of any unit of housing accommodation by virtue of the provisions of Section 15A of Order No. 800 of the Board.

(4) Before giving any notice to vacate under this Section the landlord shall file one copy of the notice with the Rentals Appraiser who shall indicate on the copy that is to be given to the tenant and on the copy that is to be retained by the landlord that the notice has been filed in accordance with this subsection; provided, however, that such indication of filing shall not be considered as being a verification or validation of the said notice.

(5) Unless the lease provides for a longer notice, at least six months notice shall be given directing the tenant to vacate

- (a) in the case of a monthly lease, at the end of a lease month, or in the case of a weekly lease, at the end of a lease week;
- (b) in the case of any other lease not for a term-certain, at the end of the term or if the unexpired portion of the term is less than six months, at the end of the following term;
- (c) in the case of a lease for a term-certain, at the end of the term if the unexpired portion of the term is six months or more.

(6) The provisions of this Section shall apply when two or more persons, other than as personal representatives of a deceased landlord, are landlords of any self-contained dwelling and possession thereof is needed by one or more of them as residence for himself, or themselves, as the case may be.

(7) On and after the effective date of this Order no notice to vacate may be served under the provisions of Section 15 of Order No. 800 of the Board.

(8) A landlord of any self-contained dwelling may recover possession thereof in accordance with the law of the province in which it is situated if he has given to the tenant of such self-contained dwelling a notice to vacate in accordance with the provisions of this Section and the tenant has failed to vacate.

*Sub-section (8) as added by Order 818*

8. The provisions of Order No. 800 of the Board and of Section 5 of the Wartime Leasehold Regulations shall not apply to any lease of a self-contained dwelling made between the owner and any person who was not the tenant thereof on the effective date of this Order.

9. (1) The landlord of any lodging let on or after the effective date of this Order and for which there is no lawful maximum rental in effect shall, before or within thirty days after the letting of such lodging, make an application to the Rentals Appraiser to fix the maximum rental of the lodging, and if an application is made the landlord may collect the rental payable under the lease until the maximum rental is fixed, but if the landlord does not make the application within such thirty days the tenant, on notifying the Rentals Appraiser of such failure, may thereafter withhold payment of all rental until he has been notified by the Rentals Appraiser that an application has been made.



**A.—Wartime Prices and Trade Board—continued**

(2) If there is no lease in effect for the said lodging at the time of the application the landlord shall complete a form of application provided by the Board and shall furnish such information as the Rentals Appraiser may require and the provisions of sub-sections (2); (3), (4) and (7) of Section 9 of Order No. 800 shall apply to such applications.

(3) If there is a lease in effect for the said lodging at the time of the application all of the provisions of Section 9, except subsections (5) and (6) thereof, of Order No. 800 of the Board shall apply as if the application were for variation of a fixed maximum rental for housing accommodation as defined in Section 1 of said Order No. 800 of the Board: provided, however, that clauses (c) and (d) of sub-section (1) of the said Section 9 shall not apply to an application for the fixation of the maximum rate per person of a lodging equipped and furnished (including bedding, linen and the laundering thereof) for the sleeping accommodation of each occupant.

(4) If the lodging is not equipped and furnished (including bedding, linen and the laundering thereof) for the sleeping accommodation of each occupant thereof, the Rentals Appraiser shall fix the maximum rental of the said lodging at an amount that in his opinion is 20 per cent higher than the rental generally prevailing on October 11, 1941, for similar lodging in the vicinity or in a similar residential district of the same municipality, and such fixation shall be effective as of the date of the letting referred to in sub-section (1) of this Section, and if the rental payable under any lease of the said lodging is higher than the fixed maximum rental the said lease shall be deemed to have been amended accordingly.

(5) If the lodging is equipped and furnished (including bedding, linen and the laundering thereof) for the sleeping accommodation of each occupant the Rentals Appraiser shall fix the maximum rate per person at an amount that in his opinion was the rate per person generally prevailing on the effective date of this Order in the vicinity or in a similar residential district of the same municipality for similar occupancy or similar lodgings, and such fixation shall be effective as of the date of the letting referred to in sub-section (1) of this Section, and if the rate per person payable under any lease of the said lodging is higher than the maximum rate per person so fixed the said lease shall be deemed to have been amended accordingly.

(6) A Rentals Appraiser may, of his own motion, fix the maximum rental or the maximum rate per person for a lodging referred to in this Section.

(7) The provisions of Section 11 of Order No. 800 of the Board shall apply to applications as to lodgings under this Section as if they were housing accommodations as defined in Section 1 of said Order No. 800 of the Board.

**10.** (1) An application may be made by the landlord of any lodging which is not equipped and furnished (including bedding, linen and the laundering thereof) for the sleeping accommodation of each occupant for an increase in the maximum rental for the lodging by reason of an increase, on or after the effective date of this Order, in the size of the lodging or the supplying of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities which were not supplied or to be supplied for the maximum rental, in which case the Rentals Appraiser shall increase the maximum rental by an amount which is commensurate with the increased rental value of the accommodation, but in no event shall the maximum rental be increased to an amount that is higher than the rental generally

**A.—Wartime Prices and Trade Board—*continued***

prevailing on October 11, 1941, for similar lodging in the vicinity or in a similar residential district of the same municipality plus 20 per cent thereof, and such increased maximum rental shall be effective as of the date of such increase in the size of the lodging or the said supplying.

(2) An application may be made by the tenant of a lodging referred to in sub-section (1) of this Section to decrease the maximum rental for the lodging of which he is a tenant by reason of the reduction of the size of the said lodging or of the lessening of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities that were supplied or to be supplied for such maximum rental, in which case the Rentals Appraiser may reduce the maximum rental by an amount which is commensurate with the reduced rental value of the lodging and such reduced maximum rental shall be effective as of the date of the reduction in the size of the lodging or of the lessening.

(3) If the size of any lodging referred to in sub-section (1) of this Section is reduced or the supplying of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities thereof that were supplied or to be supplied for the maximum rental is lessened or discontinued, the landlord of such lodging shall, either before or within thirty days after such reduction, lessening or discontinuing, make application to the Rentals Appraiser for a reduction of the maximum rental; in which case the Rentals Appraiser may reduce the said maximum rental by an amount which is commensurate with the decreased rental value and such reduced maximum rental shall be effective as of the date of the reduction in the size of the lodging or of the lessening or discontinuance of the said supplying.

(4) An application may be made to the Rentals Appraiser by the landlord of any lodging which is equipped and furnished (including bedding, linen and the laundering thereof) for the sleeping accommodation of each occupant to increase the maximum rate per person for the lodging by reason of any of the following circumstances:

- (a) a decrease on or after the effective date of this Order in the number of occupants to whom the said lodging is let;
- (b) the supplying of any additional appurtenances, furniture, furnishings, equipment, fixtures, services or facilities that were not supplied or to be supplied for the maximum rate per person;
- (c) that the maximum rate per person is lower than the rate per person generally prevailing on the effective date of this Order for similar occupancy of similar lodging in the vicinity or in a similar residential district in the same municipality;

in any of which cases the Rentals Appraiser, if satisfied that such maximum rate per person is lower than the rate per person generally prevailing upon the effective date of this Order for similar occupancy of similar lodging in the vicinity or in a similar residential district of the same municipality, may increase it to an amount not exceeding such generally prevailing rate per person and such increased maximum rate per person shall be effective as of the date of filing the application.

(5) An application may be made by a tenant of any lodging equipped and furnished (including bedding, linen and the laundering thereof) for

**A.—Wartime Prices and Trade Board—continued**

the sleeping accommodation of each occupant to decrease the maximum rate per person of the lodging which he occupies by reason of either of the following special circumstances:

- (a) the maximum rate per person is higher than the rate per person generally prevailing on the effective date of this Order for similar occupancy of similar lodging in the vicinity or in a similar residential district in the same municipality, or
- (b) the lessening or the discontinuance of the supplying of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities that were supplied or to be supplied for such maximum rate;

in either of which cases the Rentals Appraiser, if satisfied that such maximum rate per person is higher than the rate per person generally prevailing upon the effective date of this Order for similar occupancy of similar lodging in the vicinity or in a similar residential district of the same municipality, may reduce it to the amount of such generally prevailing rate per person and such reduced maximum rate per person shall be effective as of the date of filing of the application.

- (6) If a landlord, on and after the effective date of this Order
  - (a) lets any lodging which is equipped and furnished (including bedding, linen and the laundering thereof) for the sleeping accommodation of each occupant to a greater number of persons than the number for which the maximum rate per person of the said lodging applies, or
  - (b) lessens or discontinues the supplying of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities which were supplied or to be supplied for such maximum rate per person for the lodging described in clause (a) of this sub-section,

he shall, before or within thirty days thereafter, apply to the Rentals Appraiser to reduce the maximum rate per person for such lodging; in either of which cases the Rentals Appraiser may reduce the maximum rate per person to the amount that prevailed generally on the effective date of this Order for similar occupancy of similar lodging in the vicinity or in a similar residential district in the same municipality, and such reduced maximum rate per person shall be effective as of the date of the filing of such application.

(7) The provisions of Section 9 of Order No. 800 of the Board, except sub-section (5) thereof, and Section 11 of the said Order No. 800 shall apply to applications as to lodgings under this Section as if they were housing accommodations as defined in Section 1 of said Order No. 800 of the Board; provided, however, that clauses (c) and (d) of sub-section (1) of Section 9 shall not apply to applications made in pursuance of sub-sections (4), (5) and (6) of this Section.

*Sections 9 and 10 as substituted by Order 818*

**11.** (1) The landlord may require the tenant of a lodging to pay any increased maximum rental or rate per person referred to in Section 9 or 10 of this Order by giving to the tenant a notice on a form provided by the Board.

(2) If the lease is not for a term-certain the length of the notice referred to in sub-section (1) of this Section shall be not less than is



**A.—Wartime Prices and Trade Board—*continued***

prescribed by the law of the province in which the lodging is situated for the giving of a notice to vacate and shall require payment of the increased rental from the day following the date on which the tenant would have been required to vacate had the notice been a notice to vacate under such law.

(3) If the lease is for a term-certain the notice referred to in subsection (1) of this Section shall be given not later than thirty days before the end of the term and shall require payment of the increased rental from the day following the end of the term.

(4) Unless the tenant pays to the landlord the increased rental so demanded on or before the day specified in the said notice for the payment thereof, the landlord shall be deemed to have terminated the lease as if such notice had been a notice to vacate given under the law of the province in which the lodging is situated directing the tenant to vacate on the day preceding the date on which the said notice required the tenant to pay the increased maximum rental, and the landlord may recover possession in accordance with the said law of the province in which the lodging is situated.

**12.** The provisions of Sections 25, 26 and 27 of Order No. 800 of the Board shall apply, instead of the provisions of this Order, to the letting of lodging which forms part of the home of the landlord to a tenant who shares the said home with the landlord and which lodging is equipped and furnished (including bedding, linen and the laundering thereof) for the sleeping accommodation of each occupant and the words "shared accommodation" as they occur in the said Sections 25, 26 and 27 shall be read and construed as if they were the word "lodging".

**13.** The orders of the Board respecting maximum rentals, maximum rates per person, leases and the termination of leases for housing accommodation and shared accommodation shall continue in full force and effect; provided, however, that in case of any conflict between the provisions of any of the said orders and of this Order the provisions of this Order shall prevail.

*Sections 11, 12 and 13 as added by Order 818*

MADE AT OTTAWA, this 10th day of November, 1949.

K. W. TAYLOR,  
*Chairman.*

**WARTIME PRICES AND TRADE BOARD****Order No. 815****Revoking Administrator's Order No. A-488**

Under powers conferred by the Wartime Leasehold Regulations Order in Council P.C. 9029 of November 21, 1941, as amended, the Board hereby orders as follows:

**1.** This Order shall be effective on the 14th of December, 1949.

**2.** For the purpose of this Order

(a) "lodging" means any place of dwelling that is not a self-contained dwelling;

**A.—Wartime Prices and Trade Board—*continued***

- (b) "self-contained dwelling" means any place of dwelling the tenant of which is not required by any term or condition, express or implied, of his lease to share with any person the use of a water-closet or similar device, and for the purpose of this definition the word "tenant" means either one person or two or more persons jointly entitled to the same rights of occupancy and use of the said place of dwelling;
- (c) unless the context otherwise requires the definition of any expression contained in Order No. 800 of the Board shall extend and apply to the same expression wherever used in this Order.

3. Administrator's Order No. A-488 as the same may have been amended from time to time, is hereby revoked.

4. Notwithstanding the provisions of Section 3 of this Order every maximum rate fixed by or under the authority of the said Administrator's Order No. A-488 shall become the maximum rental of the self-contained dwelling or lodging to which it applies upon the effective date of this Order.

5. The provisions of Orders Nos. 428, 511, 753, 793, 800, 803, 813 and 814 of the Board as amended shall, so far as the same may be applicable, govern the maximum rental, leasing and termination of leases of all self-contained dwellings and lodgings to which the provisions of the said Administrator's Order No. A-488 applied prior to the effective date of this Order.

Made at Ottawa, this 17th day of November, 1949.

K. W. TAYLOR,

*Chairman.*

**WARTIME PRICES AND TRADE BOARD**

**Order No. 817**

**Exempting Real Property and Leases in the Province of Saskatchewan from the Wartime Leasehold Regulations and suspending the operation of certain Board Orders therein**

WHEREAS the Government of the Province of Saskatchewan has undertaken to proceed with legislation of the Province of Saskatchewan upon the control of rentals to be effective on the 1st day of April, 1950;

AND WHEREAS the Government of the Province of Saskatchewan, therefore, has requested that Orders Nos. 813 and 814 making certain changes in the regulations of the Board as to the control of rentals be not put into effect in the Province of Saskatchewan pending the enactment by that Province of rent control legislation;

NOW THEREFORE under the powers conferred by the Wartime Leasehold Regulations Order in Council P.C. 9029 of November 21, 1941, as amended, the Board hereby orders as follows:

1. Order No. 813 of the Board and Order No. 814 of the Board, both dated the 10th day of November, 1949, and which shall be effective on the 15th day of December, 1949, shall not apply to any real property situated within the Province of Saskatchewan or to any lease of any such real property.

**A.—Wartime Prices and Trade Board—continued**

2. The maximum rental and termination of leases of all such real property situated in the Province of Saskatchewan shall, subject to the provisions of Section 3 of this Order, be governed by the Orders of the Board as if the said Orders No. 813 and No. 814 of the Board had not been enacted.

3. The provisions of the Wartime Leasehold Regulations shall on the 1st day of April, 1950, cease to apply to any real property situated in the Province of Saskatchewan or to any lease of any such real property.

MADE AT OTTAWA this 8th day of December, 1949.

K. W. TAYLOR,  
*Chairman.*

**PART III—ADMINISTRATOR'S ORDERS***Order A-2516—Steel Scrap*

## OFFICE CONSOLIDATION

## WARTIME PRICES AND TRADE BOARD

**Administrator's Order No. A-2516**

*(Consolidated as amended by Order A-2532 and A-2533)*

**Steel Scrap**

Under powers given by the Wartime Prices and Trade Board to the Administrator of Iron and Steel (Primary), it is hereby ordered as follows:

*Effective Date*

1. This Order comes into force on August 5, 1948, and replaces Administrator's Order No. A-2442, as amended, which is hereby revoked.

*Interpretation*

2. For the purposes of this Order,

- (a) "Administrator" means a person appointed by the Board as Administrator of Iron and Steel (Primary);
- (b) "basing point" means, Hamilton, Ontario; Montreal, Quebec; Winnipeg, Manitoba; Calgary, Alberta; Edmonton, Alberta; Vancouver, British Columbia; Victoria, British Columbia, or any place declared herein or by order in writing of the Administrator to be a basing point;
- (c) "consume" means to change the physical form of scrap in the fabrication or manufacture of any article or thing;
- (d) "consumer" means any person who operates a plant where scrap is consumed but shall not include a licensed scrap dealer who operates such a plant except in respect of the consumption of scrap in that plant;
- (e) "eastern Canada" means all that part of Canada east of the easterly boundary of the province of Manitoba;



**A.—Wartime Prices and Trade Board—continued**

- (f) "western Canada" means all that part of Canada west of the westerly boundary of the province of Ontario;
- (g) "ton" means in eastern Canada a gross ton of 2240 pounds avoirdupois and in western Canada a net ton of 2000 pounds avoirdupois;
- (h) "licensed scrap dealer" means any person who is the holder of a valid federal scrap dealer's licence issued by the Administrator;
- (i) "sell" includes offer to sell.

*Licensing of Dealers*

3. (1) Any person who desires to be a licensed scrap dealer may apply to the Administrator.

(2) Federal Scrap Dealers licences authorized or issued by or under authority of the Board and in force at the date of this Order, shall continue in effect until cancelled or suspended by the Administrator and shall be deemed to be licences issued by the Administrator.

*Scrap Sold Only as Classified Pursuant to Order*

4. No person shall prepare for sale, or sell any steel scrap which does not conform to a classification of that steel scrap as set out in this Order until the Administrator has fixed in writing the maximum price at which the scrap may be sold by that person.

- 4a. No person shall purchase, sell, acquire, dispose of, or otherwise deal in or with any classification of steel scrap at a price higher than the price fixed for such classification by Section 9 of this Order.

*(As amended by A-2532)*

*Only Licensed Scrap Dealers May Sell Steel Scrap to Consumers*

5. Without the written permission of the Administrator, no consumer may purchase steel scrap except from a licensed scrap dealer.

*Shipment of Cast Iron and Steel Scrap*

6. Without the written authorization of the Administrator no person may ship

- (a) any cast iron scrap from any point in New Brunswick, Nova Scotia or Prince Edward Island, to any point outside those provinces; or
- (b) any cast iron scrap or steel scrap from any point in the territory between the western boundary of the province of Alberta and a line drawn north and south immediately east of the city of Port Arthur, Ontario, to any point outside that territory; or
- (c) any cast iron scrap from any point in British Columbia to any point outside that province.

*Steel Scrap Originating in the Maritimes*

7. This Order shall not apply to steel scrap originating in the Provinces of Nova Scotia, New Brunswick and Prince Edward Island when such scrap is delivered and sold for consumption in Sydney, Nova Scotia, and no steel scrap may be shipped from those provinces to any other consuming point until the maximum price and tonnage of that steel scrap have been authorized in writing by the Administrator.

**A.—Wartime Prices and Trade Board—continued***Classifications of Steel Scrap*

8. For the purposes of this Order, steel scrap is classified as follows:

- (a) "Mixed Steel Scrap" means unsorted and unclassified steel scrap  $\frac{1}{8}$  of an inch and over in thickness, of any kind except turnings and borings, annealing pots, grate bars, cast iron, malleable iron, tinplate and terne plate;
- (b) "*No. 1 Heavy Melting Steel Scrap*" means mixed steel scrap (as defined in paragraph (a) next preceding)  $\frac{1}{8}$  of an inch and over in thickness, not over 18 inches in width and 5 feet in length, and includes structural shapes, angle bar plates, steel castings, heavy chain, carbon tool steel, heavy forgings, forged butts and similar heavy material, new mashed pipe ends thoroughly flat, and pipe originally over 4 inches in diameter, and cut 12 inches and under, sheet bars, billets, rail ends, railroad steel and rough scrap, such as angles, couplers, knuckles, short rails, draw bars, cast steel holsters, coil and leaf springs, automobile scrap and steel parts of agricultural implements, wagons and buggies; subject to the following conditions:
  - (i) Individual pieces must be so cut into shape that they will be free from attachments and will lie flat in a charging box.
  - (ii) All material shall be free from dirt, excessive rust or scale, foreign material of any kind, and free from any coating except galvanizing; and galvanized material shall not exceed five per cent in weight.
  - (iii) Cut boiler plates must be practically clean and free from any stay bolts.
  - (iv) Automobile rear ends must be cut into three sections.
  - (v) No skeleton sheet scrap, annealing pots, boiler tubes, grate bars, cast iron, malleable iron or any unwieldy piece shall be included.
- (c) "*Hydraulically Compressed Bundles*" means sheet steel scrap hydraulically compressed into compact rectangular packages or bundles and consists of the following four classes:
  - (i) "*No. 1 Bundle*" means new sheet steel scrap free from all coatings and high silicon content.
  - (ii) "*No. 2 Bundle*" means new sheet steel scrap mixed with black sheet steel scrap, and/or fenders; free from excessive rust, galvanized or detinned cans and tern plate scrap.
  - (iii) "*No. 3 Bundle*" means new sheet steel scrap mixed with black sheet steel scrap, and/or fender; free from excessive rust, all terne plate scrap and detinned cans; and galvanized material shall not exceed five per cent in weight.
  - (iv) "*High Silicon Bundle*" means new sheet steel scrap of high silicon content.
- (d) "*Mechanically Compressed Bundles*" means bundles compressed or baled other than hydraulically and free from hand-tied bundles;
- (e) "*Used Steel Rails For Remelting*" means steel rails suitable for scrap only;
- (f) "*Used Steel Rails For Rerolling*" means steel rails of any quality which are suitable for rerolling purposes and accepted as such by the consumers thereof, but must be free from bent and twisted rails, frogs, switches and guard rails or rails with split heads and broken flanges;

**A.—Wartime Prices and Trade Board—continued**

- (g) “*Unprepared Bushelling*” means steel scrap under  $\frac{1}{8}$  of an inch in thickness and includes sheet steel scrap mixed with black sheet steel scrap including fenders, and pipe under 4 inches in diameter; and must be free from excessive rust, tin plate, annealing pots, detinned and terne plate scrap, metal coated, lined or porcelain enamelled stock, detinned cans, and contain not more than five per cent in weight of galvanized material;
- (h) “*Bushelling*” means sheet steel scrap mixed with black sheet steel scrap, including fenders, and cut pipe under 4 inches in diameter cut into sizes not over 12 inches by 12 inches; and must be free from excessive rust, tin plate, annealing pots, detinned and terne plate scrap, metal coated, lined or porcelain enamelled stock and detinned cans and containing not more than five per cent in weight of galvanized material;
- (i) “*New Factory Bushelling*” means flat new sheet and skeleton scrap, cut to sizes not over 8 inches by 8 inches and includes new steel shovel blanks;
- (j) “*Unprepared New Factory Bushelling*” means new sheet and skeleton scrap over 8 inches in any one dimension;
- (k) “*Mixed Short Steel Turnings and Borings*” means clean steel and wrought iron turnings, drillings, screw cuttings and cast or malleable iron borings and drillings, all three inches and under in length, and free from stringy, bushy or tangled material, lumps, scale and excessive oil;
- (l) “*Short Shovelling Steel Turnings*” means clean, short steel and wrought iron turnings and drillings, all three inches and under in length, and free from stringy, bushy or tangled material, lumps, scale and excessive oil; and
- (m) “*Manganese Steel Scrap*” means steel scrap of high manganese content.

*Maximum Prices*

EASTERN CANADA

9. (1) In Eastern Canada subject to the provisions of subsections 3 to 9 inclusive of this Section, the maximum price per ton for steel scrap delivered f.o.b. railway cars or motor trucks at a consumer's plant at a basing point shall be as follows:

Classifications	Hamilton, Ont.	Montreal, P.Q.
	\$    cts.	\$    cts.
(a) Mixed Steel Scrap.....	19 00	19 00
(b) No. 1 Heavy Melting Steel Scrap.....	23 00	23 00
(c) Hydraulically Compressed Bundles—		
No. 1 Bundles.....	23 00	23 00
No. 2 Bundles.....	22 50	22 50
No. 3 Bundles.....	21 00	21 00
High Silicon Bundles.....	21 00	21 00
(d) Mechanically Compressed Bundles.....	21 00	21 00
(e) Used Steel Rails for remelting.....	23 00	23 00
(f) Used Steel Rails for re-rolling.....	26 00	26 00
(g) Unprepared Bushelling.....	14 50	13 00
(h) Bushelling.....	17 50	16 50
(i) New Factory Bushelling.....	21 00	21 00
(j) Unprepared New Factory Bushelling.....	16 00	16 00
(k) Mixed Short Steel Turnings and Borings.....	17 00	17 00
(l) Short Shovelling Steel Turnings.....	17 00	17 00
(m) Manganese Steel Scrap.....	24 50	24 50



**A.—Wartime Prices and Trade Board—continued****WESTERN CANADA**

(2) In Western Canada subject to the provisions of subsections 3 to 9 inclusive of this Section, the maximum price per ton for steel scrap delivered f.o.b. railway cars or motor truck at a consumer's plant at a basing point shall be as follows:

Classifications	Calgary or Edmonton, Alta.	Winnipeg, Man.	Vancouver or Victoria, B.C.
	\$ cts.	\$ cts.	\$ cts.
(a) Mixed Steel Scrap.....	13 00	15 00	14 00
(b) No. 1 heavy melting steel scrap.....	17 00	19 00	18 00
(c) Hydraulically Compressed Bundles—			
No. 1 Bundles.....	16 00	18 00	18 00
No. 2 Bundles.....	15 00	17 00	17 00
No. 3 Bundles.....	14 00	16 00	16 00
(e) Used Steel Rails for remelting.....	17 00	19 00	19 00
(f) Used Steel Rails for re-rolling.....	18 00	20 00	20 00
(k) Mixed Short Steel Turnings and Borings..	10 00	11 50	11 50
(l) Short Shovelling Steel Turnings.....	10 00	11 50	11 50

*Allowance to Licensed Scrap Dealers*

(3) In addition to the price fixed for any classification by subsections 1 or 2 a consumer may pay a Licensed Scrap Dealer not more than \$1 per ton for any classification of steel scrap purchased or received by the consumer from such Licensed Scrap Dealer.

*Deductions for Local Deliveries at Basing Points*

(4) Where any classification of steel scrap is at a basing point but has not been delivered to a consumer's plant or a Licensed Scrap Dealer's processing yard at such basing point, the maximum price otherwise payable under this Order for such classification shall be subject to a deduction of not less than \$1.00 per ton, if delivery is to be made by motor truck, or the established switching charges, if by railway.

*Deduction for steel scrap "On the ground".*

(5) Where steel scrap of any classification is "on the ground", the maximum price otherwise payable under this Order for such classification shall be subject to a deduction of not less than \$3.00 per net ton. Under this subsection the term "on the ground" shall mean any classification of steel scrap not purchased f.o.b. railway freight cars.

*As amended by A-2532*

*Additions for Local Deliveries at Non-Basing Points*

(6) In addition to the maximum price fixed for any classification set forth in this Order a consumer may pay for such classification delivered by motor truck to his plant at a non-basing point a sum not in excess of \$2.00 per ton, or may pay the lowest established switching charge in the case of such deliveries made by railway.

*As amended by A-2533*

*Maximum Prices at Points of Origin Other than Basing Points*

(7) The maximum price per ton for any classification of steel scrap f.o.b. railway cars or motor trucks at any point in Canada, other than a

**A.—Wartime Prices and Trade Board—concluded**

basing point, shall be the price set out for such classification in subsection (1) or (2) herein, at the basing point having the lowest railway freight rate from the point of origin of the steel scrap, less the lowest railway freight rate per ton from the point of origin of the steel scrap to such basing point according to the authorized schedule of freight rates in effect immediately prior to the effective date of Order No. 70425 of the Board of Transport Commissioners for Canada. However, in the event that this method of computation reduces shipping point prices of steel scrap referred to in classification (a) or (b) of subsection (1) or (2) herein, below \$10 per ton, a shipping point price of \$10 per ton on that steel scrap shall be established at any shipping point or point of origin.

*Reflection of Increased Freight Rates*

(8) Notwithstanding the provision of any other subsection of this Section any consumer of steel scrap may pay the increase in the cost of shipping the said steel scrap to him which has resulted from the increase in freight rates authorized by Order 70425 of the Board of Transport Commissioners for Canada, and the maximum prices provided by any such subsection for sales or purchases of steel scrap are hereby varied in so far as is necessary to give effect to the provisions of this subsection.

Dated at Ottawa, this 3rd day of August, 1948.

C. S. KIDD,  
*Administrator of Iron and Steel (Primary).*

APPROVED:

W. T. WILSON,  
*Deputy Chairman, Wartime Prices and Trade Board.*

**B. DEPARTMENT OF JUSTICE**

1. *Appeals authorized in cases involving breaches of the Wartime Regulations*
2. *Notice of Orders in Council made to the Attorneys General of Canada and Province in certain cases*

**1. Order in Council authorizing appeals in cases involving breaches of the wartime regulations**

OFFICE CONSOLIDATION

P.C. 4600

(As amended by P.C. 6713, August 25, 1944)

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 7th day of June, 1943.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Justice reports that a very large proportion of the prosecutions for breaches of wartime regulations are conducted under Part XV of the Criminal Code, relating to summary convictions, for the

**B.—Department of Justice—continued**

reason that in these cases it is of great importance that conviction and punishment should follow quickly upon the commission of the offence and for this reason proceedings by way of summary conviction are resorted to in preference to proceedings by way of indictment; and

That under Part XV aforesaid trials are conducted by magistrates or justices of the peace, and there is an appeal to or a trial *de novo* by a judge of the county or district court (in the Province of Quebec, a judge of the Court of King's Bench, Crown Side), and the decision of such appellate judge is final.

And whereas the Minister further reports that, in many of these prosecutions under Part XV aforesaid, questions of law of first rate importance are not infrequently raised relating to the validity and the construction of wartime regulations and it has been represented to him that, in the interest of uniformity of decisions as well as the true construction of all wartime regulations, further appeals should be allowed to the provincial courts of appeal and the Supreme Court of Canada, wherever in the opinion of the court to be appealed to, an important question of law or of mixed law and fact is raised.

And whereas it is deemed necessary or advisable for the security, defence, peace, order and welfare of Canada that such appeals be provided for;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under and by virtue of the powers vested in the Governor in Council by the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to make the following regulations and they are hereby made and established accordingly,—

## REGULATIONS

1. In these regulations, unless the context otherwise requires,—

- (a) "court of appeal" means, in the province in which an offence is alleged to have been committed, the court designated in paragraph (7) of section 2 of the Criminal Code as the court of appeal for that province;
- (b) "wartime regulations" means any regulations or orders made under the authority of the War Measures Act.

2. In any proceedings under Part XV of the Criminal Code for an offence against wartime regulations, an appeal from a judgment of the county or district court judge, or in the Province of Quebec, the judge of the Superior Court, on any ground of appeal which involves a question of law or of mixed law and fact shall lie to the court of appeal by leave of such court. (*P.C. 6713*).

3. A further appeal from a judgment or decision of the court of appeal shall lie to the Supreme Court of Canada by leave of such court.

4. No application for leave to appeal made under either of the two next preceding sections shall be entertained except within twenty-one days from the date of the judgment or decision appealed from or within such further period as the court applied to may, for special reasons, allow.

5. Subject as herein otherwise provided, the procedure upon any such appeal to the court of appeal and the powers of the court of appeal, including the power to grant a new trial, shall, *mutatis mutandis*, so far



**B.—Department of Justice—continued**

as the same are applicable to such an appeal, be the procedure prescribed and the powers given by sections 1012 to 1021 inclusive of the Criminal Code and the rules of court passed pursuant thereto and to section 576 of the Criminal Code.

6. Sections 1023 to 1025 inclusive of the Criminal Code shall, insofar as the same are not inconsistent with this regulation, apply to any appeal to the Supreme Court of Canada taken pursuant to this regulation.

7. The Attorney General of Canada shall have a right to appeal in any case where the Attorney General of the province in which the offence is alleged to have been committed has such right.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**2. Order in Council *re* Notice of Orders in Council made to the Attorneys General of Canada and Province in certain cases.**

P.C. 6223

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 6th day of August, 1943.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Justice reports that, while provincial legislation provides that, in any action or proceeding where the constitutional validity of any Act of Parliament or of the provincial legislature is brought in question, the same shall not be adjudged to be invalid until after notice has been given to the Attorney General of Canada and to the Attorney General of the Province, such legislation does not probably apply in the case of orders made under the authority of the War Measures Act;

And whereas the Minister is of the opinion that it is advisable that provision be made for similar notice to be given to the Attorney General of Canada and the Attorney General of the Province with reference to orders made under the authority of the War Measures Act, in order that the proper enforcement thereof may not be hindered by judicial decisions rendered between private litigants or otherwise relating to the constitutional validity thereof without opportunity for full discussion by counsel representing the Attorney General of Canada:

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under and by virtue of the powers vested in the Governor in Council by the War Measures Act, is pleased to make the following regulations and they are hereby made and established accordingly:—

**REGULATIONS**

1. Where, in any action or other proceeding, the constitutional validity of any Order in Council made under the authority of the War Measures Act or any Order made on the authority of such Order in Council is brought in question, the same shall not be adjudicated to be invalid until after notice has been given to the Attorney General of Canada and the Attorney General of the Province in which such action or other proceeding has been instituted.

**B.—Department of Justice—concluded**

2. The notice shall state what order is in question and the time and place when such question is to be argued and shall give such further particulars as may be necessary of the constitutional point in question.

3. The said notice shall, in each case, be served ten days before the day named for the argument.

4. The Attorney General of Canada and the Attorney General of the Province shall be entitled as of right to be heard, either in person or by counsel, notwithstanding the fact that the Crown is not a party to the action or proceeding.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**C. DEPARTMENT OF RECONSTRUCTION AND SUPPLY**

1. *Regulations respecting Construction Materials*

2. *Priority rating for Building Materials*

3. *Wartime Industries Control Regulations*

4. *Regulations respecting Steel*

5. *Steel Controller—Order S.C. 2-49*

6. *Regulations respecting Timber*

**1. Regulations respecting Construction Materials****OFFICE CONSOLIDATION**

P.C. 1609

*(As amended by P.C. 337, January 1, 1947)*

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of April, 1946.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas Regulations Respecting Priorities were established by Order in Council P.C. 1169 of February 20, 1941 and W. E. Uren was appointed Priorities Officer by Order in Council P.C. 5563 of June 29, 1942;

And whereas by reason of the continued existence of the national emergency arising out of the war against Germany and Japan, it is deemed necessary for the purposes of maintaining, controlling and regulating supplies and services, to vest in the Priorities Officer certain powers respecting construction materials;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Reconstruction and Supply, and pursuant to the powers conferred by The National Emergency Transitional Powers Act, 1945, is pleased to make the following Regulations and they are hereby made and established accordingly:—

**C.—Department of Reconstruction and Supply—continued**

REGULATIONS RESPECTING CONSTRUCTION MATERIALS

**1. Interpretation**

For the purposes of these Regulations unless the context otherwise requires,

- (a) “construction materials” means any materials which are intended or are suitable for use in the construction, repair, alteration or improvement of any structure or are intended or are suitable for the heating, lighting or ventilating of any structure or the supply of water or power thereto or the disposition of sewage therefrom;
- (b) “deal in” includes buy, sell, exhibit for sale, take or receive orders for, lease, hire, lend, borrow, exchange, acquire, import, store, supply, deliver, transport, distribute, ship, convey, install, consume or use; and “dealing in” and “dealt in” shall have corresponding meanings;
- (c) “make” includes manufacture, fabricate, assemble, produce and process; and “making” and “made” shall have corresponding meanings;
- (d) “structure” includes anything constructed or erected on or in land or on or in water, excluding ships and boats;
- (e) “Priorities Officer” means the Priorities Officer appointed by the Governor in Council and for the time being in office;
- (f) “Deputy Priorities Officer” means any Deputy Priorities Officer appointed by the Governor in Council and for the time being in office.

**2. Powers of Priorities Officer**

The Priorities Officer shall have power,

- (a) to prohibit, control and regulate the making of or dealing in construction materials;
- (b) to order or require any person owning or having power to dispose of or being in possession of or making or dealing in construction materials or having facilities for making or dealing in construction materials to make or deal in such construction materials in such manner as may be specified;
- (c) to prohibit or restrain any person from using any structure in which, in the opinion of the Priorities Officer, any construction materials have been or are likely to be used, in contravention of any order made pursuant to these Regulations on any other Regulation affecting the Priorities Officer. The Priorities Officer may exercise the said power to prevent or preclude any breach or further breach or apprehended breach of any such Order;
- (d) to enter on or into any land or structure for the purpose of inspecting or examining any construction materials thereon or therein.
- (e) to take possession of or otherwise acquire any construction materials wherever found and to use or dispose of them;
- (f) to require a licence or permit to make or deal in construction materials;
- (g) to issue and reissue a licence or permit to any person to make or deal in construction materials and to suspend, cancel, or refuse to



**C.—Department of Reconstruction and Supply—continued**

issue any such licence or permit and to prescribe the manner, procedure, terms and conditions under which such licences or permits shall be obtained;

- (h) to prescribe conditions to which any licence or permit issued or made pursuant to these Regulations shall be subject and to vary any such condition and specify further and other conditions.

**3. Deputy Priorities Officer**

A Deputy Priorities Officer shall have and may exercise any and all powers conferred on the Priorities Officer subject to any restriction which the Priorities Officer may impose.

**4. Breach of Contract Pursuant to Order**

Where the failure to fulfill any contract, whether made before or after the date of this Order in Council, is due to compliance on the part of any person with any order, direction, regulation, permit, licence, prohibition or requirement made pursuant to these Regulations or to any other Regulation or Order in Council conferring any power or authority on the Priorities Officer, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

**5. Delegation of Powers**

The Priorities Officer shall have power to delegate from time to time to any person or persons any power vested in the Priorities Officer under these Regulations, including any power involving the exercise of a discretion, and any order made in the exercise by any such person of a power so delegated shall be final and binding unless and until it has been varied or vacated by the Priorities Officer.

**6. Protection of Priorities Officer, Deputy Priorities Officer and Agents**

Revoked by chapter 16, Statutes of 1947.

**7. Wartime Industries Control Regulations**

The Priorities Officer shall be deemed to be a Controller within the meaning of paragraph (c) of subsection (2) of Section 1 of the Wartime Industries Control Regulations set out in Order in Council P.C. 3 of January 4, 1944 as amended, which Regulations shall be read and construed as one with these Regulations and shall extend and apply as if the provisions thereof were incorporated herein.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**2. Priority Rating for Building Materials**

PRIORITIES OFFICER

ORDER NO. P.O. 11B

(Order No. P.O. 11A rescinded)

Dated February 1, 1947

PURSUANT to the powers conferred by Orders in Council P.C. 1169 of February 20, 1941, and P.C. 1609 of April 23, 1946, and any other Order in Council,

**C.—Department of Reconstruction and Supply—continued**

IT IS HEREBY ORDERED AS FOLLOWS:

**1. REASONS FOR AND PURPOSE OF ORDER**

The Priorities Officer has established a priority rating designated by the letters "APH" and a serial number for use in channelling building materials required for the construction of certain housing, military hospitals, military health and occupational centres. The purpose of this Order is to prescribe the uses of the rating.

**2. DEFINITIONS**

For the purpose of this Order,

- (a) "Authorized User" means any person who is specifically authorized to use the rating by permit in writing issued by the Priorities Officer;
- (b) "Building Materials" means any goods or materials listed in Schedule "A" to this Order;
- (c) "Rating" means the combination of the letters "APH" and the serial number assigned to an authorized user by permit in writing issued by the Priorities Officer. Each serial number designates a specific authorization but there is no priority as between serial numbers;
- (d) "Rated Purchase Order" means a written purchase order for building materials to which a rating has been applied or extended in accordance with this Order and which bears a delivery date as required by Section 5 of this Order;
- (e) "Supplier" means any person who, in the ordinary course of business, sells building materials, including any person who manufactures, fabricates or produces building materials.

**3. AUTHORIZATION BY AUTHORIZED USER**

Any authorized user may authorize any other person to use the rating to obtain building materials for the construction for which the rating was assigned to the authorized user. To be valid any authorization under this Section must be in writing.

**4. APPLICATION OF RATING TO PURCHASE ORDERS**

Any authorized user and any person authorized, in accordance with Section 3 of this Order, to use a rating may apply the proper rating on any purchase order placed by him for the minimum quantity of building materials required for the construction for which the rating was assigned.

**5. DATES FOR DELIVERY ON PURCHASE ORDERS**

Every person who places a rated purchase order shall also specify on such order the date or dates for delivery of the building materials designated in the purchase order. No such date shall be more than thirty days before the date when the building materials will be required for incorporation in the structure.

**6. RATED PURCHASE ORDERS NOT TO BE PLACED FOR EXCESS QUANTITY OF BUILDING MATERIALS**

An authorized user, or a person authorized by an authorized user to use the rating, must not place rated purchase orders for any more building materials than are required to complete the construction for which the rating was assigned.

**C.—Department of Reconstruction and Supply—continued****7. UNAUTHORIZED USES OF RATING PROHIBITED**

(1) No person shall use a rating except to obtain building materials for the construction for which the rating was assigned.

(2) No person shall use a false rating on any purchase orders for building materials or falsely represent himself as an authorized user or as a person authorized to use a rating.

**8. SUPPLIERS TO GIVE PRIORITY TO RATED PURCHASE ORDERS**

Any supplier who receives a rated purchase order must fill that rated purchase order, in accordance with its delivery date(s), before filling any unrated purchase order.

**9. CERTIFICATION FOR USE BY SUPPLIERS**

Any supplier who receives rated purchase order(s) may extend the rating(s) shown thereon to his own purchase order(s), either to fill his customers' rated purchase order(s) or to replace in inventory the same quantities of similar materials delivered from inventory after February 1, 1947, against the customers' rated purchase order(s). In extending such rating(s), the following certification must be placed on or attached to the purchase order:

"We certify to the Priorities Officer that we have received APH ratings, as listed below, on properly rated purchase orders, for the same quantities of similar materials as covered by this purchase order and that we have not previously used these APH ratings to effect delivery of these building materials.

APH numbers .....

.....

.....

(List APH Serial Numbers)

.....  
(Signature of Authorized Official.)"

**10. ACCEPTANCE BY SUPPLIERS OF RATED PURCHASE ORDERS**

(1) A supplier must accept the rated purchase order of any person who is ready and willing to abide by the supplier's ordinary, reasonable and lawful terms of sale.

(2) Any supplier who fails or refuses to accept a rated purchase order shall, upon written request of the person wishing to place the order, promptly give that person his reasons in writing for such failure or refusal.

**11. PROHIBITION AGAINST UNAUTHORIZED DISPOSITION OF BUILDING MATERIALS OBTAINED BY USE OF RATED PURCHASE ORDERS**

No person shall dispose of or use any building materials acquired by use of a rated purchase order except for the construction for which the rating was assigned.

**12. RECORDS**

(1) Every person who uses a rating shall keep on file a copy of each rated purchase order placed by him.

(2) Every supplier shall keep on file all rated purchase orders received by him and a copy of every invoice or sales slip for building materials sold or supplied by him.



**C.—Department of Reconstruction and Supply—continued**

**13. PERMITS**

The provisions of this Order shall be subject to any permit in writing issued by the Priorities Officer.

**14. APPEALS**

Any person authorized to use a rating who is unable to obtain building materials for the construction for which the rating was assigned may appeal in writing to the Priorities Officer for relief. Each such appeal shall set out the efforts which have been made to obtain the materials and the reasons why they cannot be obtained, including written reasons furnished by suppliers for failing or refusing to supply building materials against a rated purchase order. Such appeals should be submitted to the nearest office of the Priorities Branch or to the Priorities Branch, Department of Reconstruction and Supply, Ottawa.

The addresses of the Regional Offices of the Priorities Branch are as follows:

- 224 Youville Square, Montreal.
- 11 Jordan Street, Toronto.
- 210 Power Building, Winnipeg.
- 720 Marine Building, Vancouver.

**15. ORDER No. P.O. 11A RESCINDED**

Order of the Priorities Officer No. P.O. 11A dated August 12, 1946, is hereby rescinded.

W. E. UREN,  
*Priorities Officer.*

APPROVED:

C. D. HOWE,  
*Minister of Reconstruction and Supply.*

(A person who contravenes or fails to observe any provision of this Order is liable to the penalties prescribed by Section 15 of the Wartime Industries Control Regulations set out in Order in Council P.C. 3 of January 4, 1944, as amended.)

SCHEDULE "A"

TO

ORDER No. P.O. 11B OF THE PRIORITIES OFFICER

1. Blocks—concrete, cinder and clay
2. Boilers—low pressure for heating and hot water
3. Brick—common and face
4. Builders hardware
5. Building papers and felts
6. Cast iron pressure pipe and fittings
7. Cement
8. Conduit and fittings
9. Eavestrough and conductor pipe
10. Electrical wires and cables, wiring supplies and devices of all kinds.
11. Fibre board and lath

**C.—Department of Reconstruction and Supply—continued**

12. Furnaces, pipe, fittings and duct work
13. Glass
14. Gypsum board and lath
15. Insulation materials
16. Lath—metal, including corner bead and Cornerite
17. Lighting fixtures, not including portable lamps
18. Lime
19. Linoleum
20. Lumber—framing, siding, roofing and outside trim including sash and frames; interior trim including doors, finished flooring and plywood; lath
21. Nails
22. Paints and varnishes
23. Plaster
24. Plumbing fixtures and fittings
25. Radiation
26. Range Boilers
27. Registers and grilles for heating use
28. Roofing materials
29. Reinforcing rod
30. Sewer and drain pipe, field tile and flue linings
31. Shingles
32. Soil pipe and fittings
33. Steel and wrought iron pipe and fittings
34. Steel sheets—black and galvanized
35. Heaters (coal, wood, gas and oil) including space heaters
36. Tanks, septic
37. Tile, common and face, structural.

**3. Order in Council re-establishing the Wartime Industries Control Regulations**

P.C. 3

**OFFICE CONSOLIDATION**

*As amended by: P.C. 6355, August 11, 1944; P.C. 346, January 16, 1945; P.C. 897, February 13, 1945; P.C. 7156, November 29, 1945 and P.C. 477, February 7, 1947.*

**AT THE GOVERNMENT HOUSE AT OTTAWA**

TUESDAY, the 4th day of January, 1944.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas the Wartime Industries Control Board was created by Order in Council P.C. 2715 of June 24, 1940, all the operative provisions of which were rescinded by Order in Council P.C. 6835 of August 29, 1941, which established the Wartime Industries Control Board Regulations;

**C.—Department of Reconstruction and Supply—continued**

And Whereas the said Regulations were amended by Orders in Council P.C. 7824 of October 8, 1941; P.C. 753 of February 5, 1942; P.C. 831 of February 5, 1942; P.C. 7513 of August 25, 1942; P.C. 1893 of March 16, 1943; P.C. 4660 of July 16, 1943 and P.C. 7202 of September 15, 1943;

And whereas the Acting Minister of Munitions and Supply reports that it is desirable to remove minor discrepancies in the said Regulations; to bring the powers of Controllers over prices and mark-ups into line with similar provisions of the Wartime Prices and Trade Regulations; to confer on all the Controllers powers possessed by most Controllers with respect to the keeping and production of records and the furnishing of information; to make certain changes respecting evidence and compensation and, in view of previous and proposed amendments, to rescind and re-issue the said Regulations in the form hereinafter set out;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Munitions and Supply and pursuant to the War Measures Act and the Department of Munitions and Supply Act, is pleased to make and doth hereby make the following order, effective as of January 1, 1944:

ORDER

A. Orders in Council P.C. 2715 of June 24, 1940; P.C. 6835 of August 29, 1941; P.C. 7824 of October 8, 1941; P.C. 753 of February 5, 1942; P.C. 831 of February 5, 1942; P.C. 7513 of August 25, 1942; P.C. 1893 of March 16, 1943; P.C. 4660 of July 16, 1943; and P.C. 7202 of September 15, 1943; are revoked.

B. The portions set out in Schedule "A" hereto of the Orders in Council set out in the said Schedule are revoked.

C. The following Regulations are hereby established:

WARTIME INDUSTRIES CONTROL REGULATIONS

**I. TITLE AND INTERPRETATION**

(1) These Regulations and any amendment or addition thereto may be cited as the Wartime Industries Control Regulations.

(2) For the purposes of these Regulations except where the context otherwise requires,

(a) and (b) *deleted by P.C. 7156, November 29, 1945.*

(c) "Controller" means a Controller heretofore appointed and now in office, or hereafter appointed by the Governor General in Council on the recommendation of the Minister and includes the Priorities Officer appointed pursuant to Order in Council P.C. 1169 of February 20, 1941;

(d) "Mark-up" means the amount added to the cost price in figuring a selling price to cover overhead and profits;

(e) "Minister" means the Minister of Munitions and Supply;

(f) "Order" includes any regulation, licence, permit, prohibition, requirement, direction, restriction, limitation or instruction, made, given, issued or established by or under the authority of any Controller pursuant to any power conferred by or under these Regulations, or any other Regulation, Order in Council or Statute relating to a Controller.

*Sections 2, 3, 4, 5, and 6 revoked by P.C. 7156, November 29, 1945*



**C.—Department of Reconstruction and Supply—continued**

7. (1) *revoked by P.C. 7156, November 29, 1945*

**7. (2) IMMUNITIES**

No Controller, Deputy Controller, Deputy Priorities Officer or other person acting on behalf of or under the authority of a Controller, Deputy Controller or Deputy Priorities Officer shall be liable for any act or omission in the exercise or purported exercise, in good faith and on reasonable grounds, of any power or authority conferred by the Governor in Council or any Order.

*Sections 8, 9 and 10 revoked by P.C. 7156 of November 29, 1945*

**11. POWERS OF CONTROLLERS OVER PRICES AND MARK-UPS**

Notwithstanding the provisions of any other Order in Council, every Controller shall have power,

- (a) to fix specific or maximum or minimum prices or specific or maximum or minimum markups at which any articles, commodities, substances, goods, services or things over which he is given authority, jurisdiction or power, may be sold or offered for sale by or to any person; and
- (b) to prescribe the manner in which any such price or mark-up shall be ascertained; and
- (c) to prescribe what shall constitute or be included in any such price or mark-up; and
- (d) to prohibit purchase or sale at prices which are at variance with the prices or mark-ups so fixed or prescribed; and
- (e) to require any person to refund to any other person any amount received or collected in excess of any such price or mark-up.

Provided that the powers conferred by paragraphs (a), (b), (c) and (d) of this Section shall be exercisable only with the concurrence of the Wartime Prices and Trade Board.

**12. ADDITIONAL POWERS OF CONTROLLERS**

- (1) Each Controller shall, in addition to all other powers, have power
  - (a) to appoint, dissolve or discharge, and re-appoint such committee or committees as he shall deem advisable acting under such title or titles as he shall select and to appoint to, and discharge from, any such committee any person or persons that he shall name; the duties of any such committee to be to confer with and advise the Controller with respect to any matters coming within his jurisdiction which are referred to the committee by the Controller and to make recommendations to him with respect thereto; and
  - (b) to order or require any person owning or having power to dispose of or being in possession of or producing or dealing in any article, commodities, substances, goods, services or things in relation to which the Controller is given authority, jurisdiction or power or any agent, employee or representative of any such person,
    - (i) to keep such books, accounts, and/or records as may from time to time be prescribed by the Controller either generally or specifically; and
    - (ii) to furnish to the Controller or to any other person, in such form and within such time as the Controller may prescribe,

**C.—Department of Reconstruction and Supply—continued**

such facts, data and information as the Controller may deem necessary; and the Controller may, at his discretion, require the same to be furnished under oath or affirmation; and

- (iii) to produce to any person, authorized in writing for the purpose by the Controller, all or any books, records and/or documents, and to permit the person so authorized to make copies of, or take extracts from the same, and when the Controller deems necessary, to remove and retain any such books, records and/or documents.

**(2) Entry and Search for Records and Documents**

Where a Controller believes that any person has failed to produce books, records or documents, or to give full and complete information as required by such Controller under the authority of any regulation, he may, with the approval of a judge of the Exchequer Court of Canada or of a superior or a county court, which approval such judge is hereby empowered to give upon the *ex parte* application of the Controller, authorize in writing under his hand a police officer, police constable or other person employed for the preservation and maintenance of the public peace, together with any other person named therein, to enter and search, if necessary by force, any building, receptacle or place, for books, records or documents which may contain information required by such Controller, and to seize the same and carry them before such Controller or such other person as such Controller may direct, to be held at the discretion of such Controller for such uses as he is authorized by any regulation to make.

**(3) General or Selective Exercise of Powers**

Each Controller may exercise each and every power conferred upon or vested in him either generally with respect to the whole subject matter thereof, or partially or selectively with respect only to a portion or portions of the subject matter thereof, and, without restricting the generality of the foregoing, the provision or provisions granting such power shall be deemed and construed to mean that such power is given, and may be exercised in respect of, and/or in relation to:

- (i) such person or thing in the plural or aggregate, or as, or in, a group or groups, as well as in the singular, as the Controller may specify; and
- (ii) any particular number or numbers of persons or number or numbers or part or parts of any thing or things, as well as all of such persons, thing or things, as the Controller may specify; and
- (iii) such person and/or thing either generally throughout Canada or in any particular province, place, area, zone or locality designated by the Controller; and
- (iv) such a person of any particular trade, industry, occupation, profession, group, class, organization, or society and/or such a thing of any particular kind, type, grade, classification, quality or species, as the Controller may specify; and
- (v) an indefinite, undetermined or unspecified time or such period or periods of time as the Controller may specify.

**(4) General Residuary Power**

The power conferred upon a Controller to make any order shall include power to provide in such order, by way of prohibition or otherwise, for any or all matters which the Controller deems necessary to the effective operation of such order.

**C.—Department of Reconstruction and Supply—continued****13. INTERPRETATION OF CONTROLLERS' ORDERS****(1) *Approvals and Concurrences Conclusively Presumed***

Every order shall be conclusively deemed to have had any approval or concurrence requisite under the provisions of this or any other Order in Council and no person shall be bound or entitled to inquire as to whether or not such approval or concurrence has in fact been given or obtained.

**(2) *Application of Interpretation Act***

The Interpretation Act and every provision thereof shall be applicable to and in respect of every order heretofore or hereafter made or given by or under the authority of a Controller.

(3) Every right, privilege, obligation or liability acquired accrued, accruing or incurred under any such order which has been revoked prior to the effective date of these Regulations is hereby given the same legal validity, force and effect and shall be deemed to have been acquired, accrued or incurred or to be accruing in the same manner as if the Interpretation Act and every provision thereof had been applicable to or in respect of such Order.

(4) Any legal proceedings by way of remedy in respect of any such right, privilege, obligation or liability or in respect of any contravention of or failure to observe any such order which has been revoked prior to the effective date of these Regulations may hereafter be commenced or continued in the same manner and to the same extent as if the Interpretation Act and every provision thereof had been applicable to or in respect of such order.

**14. SERVICE OF CONTROLLERS' ORDERS**

Where a Controller orders or requires any person to do anything the order or requisition may be served by sending a copy thereof by registered post to the last-known residence or place of business of such person, or if such person is a corporation, by so sending it to the head office or to any branch or place of business of such corporation in Canada.

**15. OFFENCES, PENALTIES AND PROSECUTIONS**

(1) Any person who contravenes or fails to observe any order, or these Regulations, or any Order in Council conferring any power or authority upon any Controller, or who in any manner hinders or obstructs any Controller, or any person acting on behalf of or under the authority of any of them, or who makes any false statement or representation to, or for the use or information of, or pursuant to any Order made by or under the authority of, any Controller or to, or for the use or information of, any person acting on behalf of or under the authority of any of them, shall be guilty of an offence against these Regulations and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years, or to both fine and imprisonment, but such person may, at the election of the Attorney General of Canada or of the Province in which the offence is alleged to have taken place, be prosecuted upon indictment, and if convicted shall be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding five years, or to both fine and imprisonment; and where the offence has been committed by a company or corporation, every person who at the time of the commission of the offence was a director or officer of the company or corporation shall be guilty of the like offence if he assented to or



**C.—Department of Reconstruction and Supply—continued**

acquiesced in the commission of the offence or if he knew that the offence was about to be committed and made no attempt to prevent the commission, and in a prosecution of a director or officer for such like offence, it shall not be necessary to allege or prove a prior prosecution or conviction of the company or corporation for the offence.

(2) No person shall attempt to commit, or aid or abet, or counsel or procure, the commission of any offence against these Regulations, or conspire with any person by any means whatsoever to commit such an offence, or enter into any transaction or arrangement designed for the purpose or having the effect of evading any order or these Regulations, or any Order in Council conferring any power or authority upon a Controller.

(3) No person shall, with intent to evade the provisions of any order or these Regulations, or any Order in Council conferring any power or authority upon a Controller, destroy, mutilate, deface, alter, secrete or remove any books, records or property of any kind.

(4) A prosecution under Part XV of the Criminal Code for any offence against these Regulations may be commenced at any time within twelve months from the time of its commission.

(5) In any proceedings upon summary conviction, any charge may include several offences against these Regulations committed by the same person and any number of charges against such person may be included in one and the same information; and all such charges may be tried concurrently and one conviction for any or all of such offences may be made, which conviction may but need not provide a separate penalty for each such offence.

(6) For the purposes of the prosecution of a person for an offence against these Regulations the offence shall be deemed to have been committed either at the place where it was actually committed or at any place in Canada in which the offender resides or carries on business or is found or apprehended or in custody.

(7) All provisions of the Criminal Code relating to search warrants shall extend to and be applicable in respect of every offence against these Regulations that has been or is suspected to have been committed.

**16. EVIDENCE**

(1) In any proceedings in any court

(a) and (b) *deleted by P.C. 7156 of November 29, 1945*

(c) evidence of any order or other document may be given by the production of a copy, thereof purporting to be printed by the King's Printer for Canada but nothing herein contained shall require proof thereof by such mode;

(d) the affidavit of a Controller, an Associate Controller or a Deputy Controller that he has knowledge of the facts, and that an annexed document is a true copy of an order, form or other document shall be received as *prima facie* evidence that such order, form or other document was made, issued or prescribed and that such document is a true copy thereof.

(2) Where, by any Order in Council or order, provision is made for any person to file, forward or deliver any document with or to a Controller, or any agent or representative of any of them, an affidavit of any officer

**C.—Department of Reconstruction and Supply—continued**

or employee of the Department of Munitions and Supply or any representative of any such officer, sworn before any Commissioner or other person authorized to administer oaths, that he has charge of the appropriate records and that after careful examination and search of such records he has been unable to find in any given case that any such document has been filed with or received by him, shall be received as *prima facie* evidence that no such document was so filed, forwarded or delivered;

(3) In any Court, the affidavit of any officer or employee of the Department of Munitions and Supply or any representative of any such officer, sworn before any commissioner or other person authorized to administer oaths, that he has charge of the appropriate records and that an annexed document is a document or a true copy of a document issued, filed with or received by a Controller, or by any office, officer or representative of any of them shall be received as *prima facie* evidence of such facts as stated in the affidavit.

(4) Where evidence is offered by affidavit pursuant to paragraph (d) of subsection (1) or subsections (2) or (3) of this Section it shall not be necessary to prove the official character of the person making the affidavit if that information is set forth in the affidavit, nor shall it be necessary to prove the signature or official character of the person before whom such affidavit was sworn.

(5) In any proceedings for an offence against these Regulations,

(a) the original or a copy of any sales slip, charge slip, invoice, voucher, book of account, bill, monthly statement, or other document whatsoever, which is proved on behalf of the prosecution to have been found in or produced from the possession of the accused or his agent or to have been issued by him or his agent and which records or purports to record the price, date, subject matter or other particulars of a sale or purchase shall be *prima facie* evidence that a sale or purchase as indicated therein was made by or on behalf of the accused;

(b) the original or a copy of any catalogue, price list, handbill, circular letter, pamphlet, card, poster, price-tag or price-marking, letter of quotation, tender, advertisement or other document whatsoever, which is proved on behalf of the prosecution to have been found in or produced from the possession of the accused or his agent or to have been issued or published by or on behalf of the accused, and which records or purports to record the price, date, subject-matter, or other particulars of an offer to sell shall be *prima facie* evidence that an offer to sell as indicated therein was made by or on behalf of the accused;

(c) proof of an invitation for offers to buy shall be proof of an offer to sell.

(6) *Burden of Proof of Licence or Exemption*

Where any person is charged with an offence against these Regulations, it shall not be necessary for the prosecuting authority to establish that the person so charged did not possess or had not been granted a licence, or had not been exempted from the relative provisions of any relevant Order or Regulations, or had not received any permission required by any relevant Order or Regulations for any act or omission, and if the person so charged pleads or alleges that he had or had been granted such a licence, or had been so exempted or had received such permission, the burden of proof thereof shall be on the person so charged.

**C.—Department of Reconstruction and Supply—continued**

**17. COMPENSATION**

Whenever any property or the use thereof has been appropriated pursuant to the provisions of any order, or these Regulations, or any Order in Council conferring any power or authority upon any Controller and compensation is to be made therefor and has not been agreed upon, the claim shall be referred by the Minister of Justice to the Exchequer Court, or to a Superior or County Court of the Province within which the claim arises, or to a judge of any such Court.

**18. ANY REQUIREMENT OF MINISTER'S APPROVAL REMOVED FROM RELAXATION OR INVENTORY ORDERS**

Notwithstanding the provisions of these Regulations or any other Order in Council requiring the approval of the Minister to any Order, no such approval shall be required for any provision in any Order, which provision

- (a) rescinds or modifies any prohibition or restriction already in effect; or
- (b) imposes an inventory limitation or limits purchases or acquisition in relation to inventory.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**SCHEDULE "A"**

Section 4 of the Regulations Respecting Aircraft Production set forth in Order in Council P.C. 5387 of June 25, 1942.

Section 4 of the Regulations Respecting Chemicals set forth in Order in Council P.C. 4996 of July 10, 1941.

Section 5 of the Regulations Respecting Construction and Construction Materials and the Installation of Equipment set forth in Order in Council P.C. 660 of January 30, 1942.

Section 4 of the Regulations Respecting Coal and Coke set forth in Order in Council P.C. 1752 of March 5, 1943.

Section (3) of the Regulations Respecting Machinery and Machine Tools set forth in Order in Council P.C. 4101 of August 22, 1940.

Section 4 of the Regulations Respecting Metals set forth in Order in Council P.C. 5225 of June 19, 1942.

Section 3 of the Regulations Respecting Motor Vehicles set forth in Order in Council P.C. 1121 of February 13, 1941.

Section (3) of the Regulations Respecting Oil set forth in Order in Council P.C. 1195 of February 19, 1941.

Section 5 of the Regulations Respecting Power set forth in Order in Council P.C. 9246 of November 26, 1942.

Section 4 of the Regulations Respecting Rubber set forth in Order in Council P.C. 9995 of November 3, 1942.

Sections (4) and (5) of the Regulations Respecting Ship Repairs set forth in Order in Council P.C. 2510 of April 17, 1941.

Section 4 of the Regulations Respecting Steel set forth in Order in Council P.C. 8053 of September 9, 1942.

Section 4 of the Regulations Respecting Supplies set forth in Order in Council P.C. 6391 of August 19, 1941.



**C.—Department of Reconstruction and Supply—continued**

Section 3 of the Regulations Respecting Timber set forth in Order in Council P.C. 2716 of June 24, 1940.

Section 4 of the Regulations Respecting Transit set forth in Order in Council P.C. 6131 of August 12, 1941.

Section 4 of the Regulations Respecting Wood Fuel set forth in Order in Council P.C. 4362 of May 28, 1943.

**4. Order in Council establishing Regulations respecting Steel, etc.**

P.C. 245

OFFICE CONSOLIDATION

*(As amended by P.C. 520, February 15, 1946)*

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 23rd day of January, 1946.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas by reason of the continued existence of the national emergency arising out of the war against Germany and Japan, it is deemed advisable for the purpose of maintaining, controlling and regulating the supply of steel to make and establish the Regulations Respecting Steel hereinafter set out and to appoint Martin A. Hoey of Montreal, Quebec, as Steel Controller;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Reconstruction and Supply and pursuant to the powers conferred by the Department of Munitions and Supply Act, the Department of Reconstruction and Supply Act and the National Emergency Transitional Powers Act, 1945, is pleased to make the following Regulations Respecting Steel and they are hereby made and established, effective on and after January 23, 1946:

REGULATIONS RESPECTING STEEL

**1. INTERPRETATION**

(1) For the purposes of these Regulations (and of any Order made under these Regulations) unless the context shall otherwise require;

- (a) "Controller" or "Steel Controller" shall mean the Steel Controller appointed by the Governor General in Council and for the time being in office as such;
- (b) "Associate Controller" or "Associate Steel Controller" shall mean an Associate Steel Controller appointed by the Governor General in Council and for the time being in office as such;
- (c) "Deputy Controller" or "Deputy Steel Controller" shall mean a Deputy Steel Controller appointed by the Governor General in Council and for the time being in office as such;
- (d) "dealing in or with" shall including buying, selling, leasing, hiring, exchanging, acquiring, importing, exporting, storing, supplying, delivering, operating, transporting, distributing, shipping, conveying, installing, allocating, consuming or using and "deal in or with" and "dealt in or with" shall have corresponding and similarly extended meanings;

**C.—Department of Reconstruction and Supply—continued**

- (e) "equipment" shall include any property, real or personal and any goods owned by or under the control of any person for the purpose of producing or dealing in or with steel or which can be used for the purpose of producing or dealing in or with steel; provided that the Minister may generally or specifically declare in writing any property or thing to be included in, or excluded from "equipment" for the purposes of these Regulations or any other Regulation or Order in Council relating to the Steel Controller;
- (f) "the Minister" shall mean the Minister of Reconstruction and Supply for the time being in office and shall include any acting Minister of Reconstruction and Supply;
- (g) "order" shall include any licence, permit, regulation, prohibition, direction, condition, requirement, restriction or limitation (issued or made under these Regulations or under any other Regulation or Order in Council relating to the Steel Controller);
- (h) "person" shall include firm, corporation, co-operative enterprise, company, governmental body or department, partnership, association or any other body and the heirs, executors, administrators, receivers, liquidators, curators, and other legal representatives of such person according to the laws of that part of Canada applicable to the circumstances;
- (i) "producing" shall include prospecting, developing, digging, mining, drilling for, melting, extracting, milling, concentrating, refining, smelting, processing, fabricating, machining, rolling, finishing, making, manufacturing and repairing and "produce", "produced" and "production" shall have corresponding and similarly extended meanings;
- (j) "scrap metal" shall include any article, material or thing which contains ferrous metal, whether alone or in conjunction with any non-ferrous metal or other substance and which is suitable for scrap; and (without limiting the generality of the foregoing) any such article, material or thing shall be deemed to be suitable for scrap, if it is or forms part of any buildings, structure, machinery, plant, or thing which is disused, obsolete, redundant or otherwise serving no immediate vital purpose and whether it is suitable for remelting or refabrication, or for use in its existing form;
- (k) "steel" shall include all steel commonly so called, in any form, and all steel products; and also, without restricting the generality of the foregoing, shall include iron ore, and all iron metal and all alloys of iron and carbon, with or without other metals; and any raw materials and minerals (except coal and coke) which go into the making of steel; and shall also include any scrap metal provided that the Minister may declare in writing any article, commodity, substance, or thing to be included in or excluded from "steel" for the purposes of these Regulations, or any other Regulation or Order in Council relating to the Steel Controller;
- (m) words in the singular shall include the plural, and words in the plural shall include the singular, and the masculine, feminine or neuter gender respectively shall be deemed to denote either the neuter or the feminine or the masculine where the context so requires.

(2) Except as herein provided His Majesty in the right of Canada and His Majesty in the right of any Province thereof shall be bound by the provisions of these Regulations.

**C.—Department of Reconstruction and Supply—continued****2. CONSTITUTION OF STEEL CONTROLLER**

(1) There shall be a Steel Controller appointed by the Governor General in Council who shall have the powers set out in these Regulations.

(2) An Associate Steel Controller shall have and exercise any and all power conferred on the Steel Controller subject to any restriction thereof which the Controller may from time to time impose and subject in all cases to review by the Controller; provided that any Order of an Associate Controller shall be final and binding unless and until it has been varied or vacated by the Controller.

(3) A Deputy Steel Controller shall have and exercise any and all powers conferred on the Steel Controller subject to any restriction thereof which the Controller or an Associate Controller may from time to time impose and subject in all cases to review by the Controller or an Associate Controller, provided that any Order of a Deputy Controller shall be final and binding unless and until it has been varied or vacated by the Controller or an Associate Controller.

**3. CONTROL OF STEEL AND EQUIPMENT**

(1) The Steel Controller shall have power exercisable from time to time:—

- (a) To take possession of steel wherever found and to produce and/or deal in or with steel or equipment;
- (b) To enter on any land and into any mine, plant, factory, mill, refinery, smelter, foundry, warehouse, building, or place where steel or equipment are produced or dealt in or with for the purpose of inspecting the production and operations and/or any steel or equipment;
- (c) To enter on, take possession of, and utilize any mine, land, plant, factory, mill, refinery, smelter, foundry, warehouse, building, or place or any equipment used or capable of being used for the purpose of producing or dealing in or with steel and to deal in or with or take possession of any vehicles, cars, ships, locomotives, or other equipment deemed by the Steel Controller to be required or useful for the operation of any such mine, plant, factory, mill, refinery, smelter, foundry, warehouse, building, or place and/or for producing or dealing in or with steel or equipment; provided that any Order of the Steel Controller made under the powers vested in him by this paragraph (c) shall be subject to any conflicting valid Order of the Transport Controller appointed by the Governor in Council on the recommendation of the Minister of Transport;
- (d) Subject to the provisions of Section 8 hereof, to fix and/or regulate the price and/or markup at or for which any steel or equipment may be sold or offered for sale or supplied generally or in any place, area, or zone;
- (e) To prohibit or regulate any practice followed in or related to producing or dealing in or with any steel or equipment, or used in connection therewith;
- (f) To prohibit any person from owning, keeping, having, retaining, or being in possession of or having control of scrap metal;



**C.—Department of Reconstruction and Supply—continued**

- (g) To decide and order that any article, material or thing which contains ferrous metal, whether alone or in conjunction with any non-ferrous metal or other substance is scrap metal for the purposes of these Regulations;
- (h) Subject to the approval of the Minister, to limit, or to establish a quota or quotas prescribing the kind, type, grade, quality, standard, strength, classification or specification of steel and the quantity that may be produced and/or dealt in or with by any person from time to time; and, subject as aforesaid to prohibit any person from producing and/or dealing in or with steel except in accordance with such limit or quota or quotas unless the Controller shall have issued a permit therefor, which permit may specify the manner in which such steel may be produced and/or dealt in or with contrary to such limit or quota or quotas and/or the kinds, types, grades, qualities, standards, strengths, classifications or specifications of steel and the quantity thereof that may be made and/or dealt in or with contrary to such limit or quota or quotas;
- (i) To prohibit any person from producing and/or dealing in or with steel or equipment of any kind or kinds, or participating in any such production and/or dealing in or with steel or equipment, either directly or indirectly, unless licensed by and/or except under a permit issued by the Controller;
- (j) To issue and reissue licences or permits to persons producing and/or dealing in or with steel or equipment and to suspend, cancel or refuse to issue any such licence or permit whenever the Controller deems it advisable, and to prescribe the manner, procedure, terms and conditions under which such licences or permits shall be obtained, and subject to the approval of the Minister, to fix the fees payable for the issue of such licences or permits;
- (k) To prescribe conditions to which any licence or permit issued or made pursuant to these Regulations shall be subject and to vary any such conditions and/or specify further or other conditions, and to cancel, suspend, or refuse to issue any such licence or permit when the Controller deems it in the public interest to do so;
- (m) To prohibit or require or regulate the construction or use of, or making of any alteration, repair or addition to any equipment;
- (n) To make Orders, regulating, fixing, determining and/or establishing in the kind, type, grade, quality, standard and/or the strength of steel that may be produced and/or dealt in or with by any person and/or of any equipment that may be dealt in or with by any person and to prohibit any production and/or dealing in or with steel or equipment contrary to any such Order or Orders without a permit from the Controller;
- (o) To order or require any person, owning or having power to dispose of or being in possession of or producing or dealing in or with steel or equipment to produce and/or deal in or with such steel or equipment in such manner as may be specified and (but subject to any conflicting valid Order of the Priorities Officer of the Department of Reconstruction and Supply) in such priority to any other business of such persons as may be specified);

**C.—Department of Reconstruction and Supply—continued**

- (p) Subject to the approval of the Governor in Council, to advance moneys to any person engaged in the business of producing steel, for the purpose of assisting such person in the carrying on of such business;
- (q) To order or require any person owning or having power to dispose of or being in possession of or producing and/or dealing in or with steel or equipment to keep such books, accounts and/or records as may from time to time be prescribed by the Controller either generally or specifically;
- (r) To order or require any person producing and/or dealing in or with steel or equipment to make or procure the making of such checks and/or audits of the books, accounts and/or records of such person, or of any other person who has received, directly or through another supplier, steel or equipment sold or supplied by such person, as may from time to time be prescribed by the Controller either generally or specifically;
- (s) To order or require any person owning or having power to dispose of, or being in possession of, or producing and/or dealing in or with steel or equipment, or any agent, employee or representative of any such person to furnish, in such form and within such time as the Controller may prescribe, such facts, data or information as the Controller may deem necessary; and the Controller may, at his discretion, require the same to be furnished under oath or affirmation;
- (t) To order or require any person owning or having power to dispose of, or being in possession of, or producing and/or dealing in or with steel or equipment, to produce to any person authorized in writing for the purpose by the Controller, all or any books, records, and/or documents, and to permit the person so authorized to make copies of, or take extracts from the same, and when the Controller deems necessary, to remove and retain any such books, records and/or documents;
- (u) Subject to the approval of the Minister, to enter upon and conduct any investigation or inquiry, which, in the opinion of the Controller, is necessary to obtain any information within the possession or knowledge of any person owning or having the power to dispose of, or being in possession of, or producing and/or dealing in or with steel or equipment or of any agent, employee or representative of any such person; and for such purpose the Controller shall have and exercise all powers of a commissioner duly appointed under Part I of the Inquiries Act, being chapter 99 of the Revised Statutes of Canada, 1927, and amending Acts, and to engage the services of any person as provided in section 11 of the said Act;
- (v) To regulate and control, by prohibition or otherwise any or all dealings or transactions between any person producing and/or dealing in or with steel or equipment and any other such person in respect of or in connection with, any production and/or dealing in or with steel or equipment, and/or the acquiring and/or use of any real and/or personal property, including any equipment, for or in connection therewith.

(2) The powers set forth in the foregoing subsection (1) of this Section 3 are several and not dependent on each other, and no paragraph or

**C.—Department of Reconstruction and Supply—continued**

provision thereof shall be construed, unless so stated or indicated, as being limited in its generality by the terms of any other paragraph or provision.

**4. DELEGATION OF POWERS**

The Steel Controller shall have power to delegate from time to time to any person or persons any power vested in the Steel Controller under these Regulations, including any power involving the exercise of a discretion, and any Order made in the exercise by any such person of a power so delegated shall be final and binding unless and until it has been varied or vacated by the Controller.

**5. ORDERS TO CONSERVE STEEL OR PREVENT BREACHES**

The Steel Controller shall have power by Order to prohibit and restrain any person from producing and/or dealing in or with steel and/or equipment at any place or in any area or zone specified by the Controller, and to this end, the Controller may order such acts or things to be done or omitted as he may deem necessary to prevent or preclude the use of any particular steel or equipment or any land, mine, plant, factory, mill, refinery, smelter, foundry, warehouse, building or place in breach of such Order. The Controller may exercise the said power to prevent or preclude any breach or further breach or apprehended breach of any Order (whether general or specific) of the Controller, an Associate Controller, a Deputy Controller or any person acting under the authority of any of them.

**6. BREACH OF CONTRACT PURSUANT TO ORDER**

Where any person fails to fulfil any contract or obligation whether made or assumed before or after the effective date of these Regulations, and such failure is due to compliance on the part of such person with any Order made under the authority of these Regulations after such contract or obligation was made or assumed, proof of that fact shall be a good defence to any action or proceeding against such person in respect of such failure.

**7. PROTECTION TO CONTROLLER, ASSOCIATE CONTROLLER,  
DEPUTY CONTROLLER AND AGENTS**

*Revoked by chapter 16, Statutes of 1947*

**8. WARTIME INDUSTRIES CONTROL REGULATIONS**

The Steel Controller shall be deemed to be a Controller within the meaning of paragraph (c) of subsection (2) of Section 1 of the Wartime Industries Control Regulations set out in Order in Council P.C. 3 of January 4, 1944 as amended, which Regulations shall be read and construed as one with these Regulations and shall extend and apply as if the provisions thereof were incorporated herein.

His Excellency the Governor General in Council is further pleased to appoint and doth hereby appoint Martin A. Hoey, of the City of Montreal, Quebec, Steel Controller, the said Martin A. Hoey to be paid as such Steel Controller the administration expenses (including actual out-of-pocket expenses for travelling, of himself or anyone acting under his authority) incurred by him in the exercise of his powers or discharge of his duties; the same to be paid out of funds provided and allotted to the Department of Reconstruction and Supply.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*



**C.—Department of Reconstruction and Supply—continued****5. Steel Controller Order No. S. C. 2-49**

DEPARTMENT OF TRADE AND COMMERCE

Dated September 23, 1949.

Pursuant to powers conferred by the Regulations respecting Steel, Order in Council P.C. 245 of the 23rd day of January, 1946, as amended, and any other enabling Order in Council or statute, it is hereby ordered as follows:

1. (1) No person shall import or attempt to import into Canada any goods listed in the Schedule annexed hereto except as authorized by and in accordance with a permit issued by or on behalf of the Steel Controller.
- (2) Subsection (1) shall not apply to goods in the custody or possession of a common carrier and in the course of transportation to Canada on or before September 30, 1949.

2. As applications for permits under the Emergency Exchange Conservation Act are commonly made on Form CG101, for public convenience an application for a permit under this Order shall be made on such Form CG101 which shall be adapted by disregarding references on the face of the Form to the Emergency Exchange Conservation Act and by disregarding paragraphs 1 and 3 of the instructions on the back of the Form. Copies of such Forms may be procured from the Emergency Import Control Branch of the Department of Trade and Commerce or from any Customs office.

3. All information required on the face of Form CG101 shall be furnished together with a copy of the importer's purchase order. In addition, he shall furnish, in the form or in a letter accompanying it, the following information:

- (a) if he is importing the described goods for consumption by him or by a principal for whom he is importing agent, he shall state the approximate date of such consumption;
- (b) if he is importing for distribution by him or by his principal, he shall state "for addition to stock".

4. Form CG101 provides for its being approved, numbered, signed and issued as a permit. One copy of the permit will be sent to the applicant and another copy to the appropriate Customs office.

5. (1) No person shall transfer a permit to any other person or allow it to be used by any other person.

(2) No person shall import or attempt to import any goods under a permit issued to another person.

6. This Order shall come into force on October 1, 1949.

D. A. JONES,  
*Steel Controller.*

**C.—Department of Reconstruction and Supply—continued**

SCHEDULE TO STEEL CONTROLLER'S ORDER NO. S. C. 2-49

<i>Tariff Item No.</i>	<i>Description</i>
374	Pig iron, n.o.p.
377	Ingots, of iron or steel, n.o.p.
377a	Blooms, cogged ingots, slabs, billets, n.o.p., sheet bars, of iron or steel, by whatever process made, n.o.p.
377b	Ingots, cogged ingots, blooms, slabs, billets, n.o.p., of iron or steel, valued at not less than 3 cents per pound, when imported by manufacturers of steel for use exclusively in the manufacture of steel, in their own factories, under regulations prescribed by the Minister.
377c	Ingots, cogged ingots, blooms, slabs, billets, n.o.p., of iron or steel, of a class or kind not made in Canada, when imported by manufacturers of forgings for use exclusively in the manufacture of forgings, in their own factories, under regulations prescribed by the Minister.
377d	Billets of steel of Bessemer quality, when imported by manufacturers of seamless steel tubes for use exclusively in the manufacture of seamless steel tubes, in their own factories.
377e	Wrought or puddled iron in the form of billets, bars, rods, sheets, strips or plates.
377f	Bars or rods, of iron or steel, hot rolled, viz:—Rounds over 4 $\frac{7}{8}$ " in diameter and squares over 4 inches.
377g	Slabs, of iron or steel, imported by manufacturers of steel, for use exclusively in the manufacture of tin plate.
378	Bars and rods, of iron or steel; billets of iron or steel, weighing less than 60 pounds per lineal yard:— (a) Not further processed than hot rolled, n.o.p. (b) Not further processed than hammered or pressed, n.o.p. (c) Cold rolled, drawn, reeled, turned or ground, n.o.p. (d) Hot rolled, valued at not less than 4 cents per pound, n.o.p.
379	Bars or rods, of iron or steel, including billets weighing less than 60 pounds per lineal yard, hot rolled, as hereunder defined, under regulations prescribed by the Minister:— (a) Rods, when imported by manufacturers of horseshoe nails for use exclusively in the manufacture of horseshoe nails, in their own factories. (b) Rods, in the coil, or bars, one and one-eighth of an inch in diameter and over, when imported by manufacturers of chain for use exclusively in the manufacture of chain, in their own factories. (c) Bars, when imported by manufacturers of shovels for use exclusively in the manufacture of shovels, in their own factories.

**C.—Department of Reconstruction and Supply—continued**

*Item No.*  
*Tariff*

*Description*

- (d) Rods, in the coil, not over .375 inch in diameter when imported by manufacturers of wire for use exclusively in the manufacture of wire, in their own factories.
  - (e) Bars of iron or steel, hot rolled, 5 inches in diameter and larger, when imported by manufacturers of polished shafting for use in their own factories.
  - (f) Sash or casement sections of iron or steel, hot or cold rolled, not punched, drilled nor further manufactured, when imported by manufacturers of metal window frames, for use in their own factories.
- 380 Plates of iron or steel, hot or cold rolled:
- (a) Not more than 66 inches in width, n.o.p.
  - (b) More than 66 inches in width, n.o.p.
  - (c) Flanged, dished or curved, n.o.p.
  - (d) With chequer, diamond or other raised pattern on contact surface.
- 385 Sheets, plates, hoop, band or strip of iron or steel, hot rolled, valued at not less than five cents per pound, n.o.p.
- 385a Sheets, plates, hoop, band or strip of rust, acid or heat resisting steels, hot or cold rolled, polished or not, valued at not less than five cents per pound.
- 386 Sheets, plates, hoop, band or strip, of iron or steel, as hereunder defined, under regulations prescribed by the Minister:—
- (a) Plates, when imported by manufacturers for use exclusively in the manufacture or repair of the pressure parts of boilers, pulp digesters, steam accumulators and vessels for the refining of oil, in their own factories.
  - (c) Sheets, plates, hoop, band or strip, hot rolled, being mould boards, shares, cultivator of shoe shapes, plow plates, land-slides or disc circles, when such rectangles, circles or sketches are cut to shape but not moulded, punched, polished or otherwise manufactured, when imported by manufacturers of agricultural implements for use exclusively in the manufacture of agricultural implements, in their own factories.
- 392 Forgings, of iron, or steel, in any degree of manufacture, n.o.p.
- 392a Forgings of iron or steel, in any degree of manufacture, hollow, machined or not, not less than 12 inches in internal diameter; and all other forgings, solid or otherwise, in any degree of manufacture, rough turned or rough machined or not, of a weight of 20 tons or over.
- 392b Forgings of steel, rough machined and fitted or not, and handles of steel or of metal alloy in the rough, when imported by manufacturers of surgical and dental instruments for use in the manufacture of such instruments in their own factories.
- 440f Iron or steel masts, or parts thereof; iron or steel angles, beams, knees, plates and sheets; cable chain; all the foregoing for ships and vessels, under regulations prescribed by the Minister.



C.—Department of Reconstruction and Supply—*continued*

6. Order in Council abolishing the Office of Wood Fuel Controller, translating his duties to the Timber Controller and re-enacting the Regulations respecting Timber

P.C. 1997

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 21st day of March, 1944.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Munitions and Supply represents that Regulations Respecting Wood Fuel were established by Order in Council P.C. 4362 of May 28, 1943, and were amended by Order in Council P.C. 5492 of July 9, 1943, and by Order in Council P.C. 215 of January 13, 1944; and by the said Order in Council P.C. 4362, James S. Whalley was appointed Wood Fuel Controller, and by Order in Council P.C. 1792 of March 5, 1943, Gustave C. Piche was appointed a Deputy Wood Fuel Controller;

That Regulations Respecting Timber were established by Order in Council P.C. 2716 of June 24, 1940, and were amended by Orders in Council P.C. 7120 of December 4, 1940; P.C. 4389 of June 17, 1941; P.C. 6037 of August 8, 1941; and P.C. 7360 of September 20, 1941; and by Order in Council P.C. 9994 of November 3, 1942, Alan H. Williamson was appointed Timber Controller; and

That it is desirable to abolish the office of Wood Fuel Controller and to confer on the Timber Controller the powers, duties and functions with respect to wood fuel now being exercised by the Wood Fuel Controller, and for these purposes to revoke certain of the Orders in Council above mentioned and re-enact Regulations Respecting Timber as hereinafter set out;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, is pleased to revoke and doth hereby revoke the following Orders in Council:—

P.C. 4362 of May 28, 1943; P.C. 1792 of March 5, 1943; P.C. 5492 of July 9, 1943; and P.C. 215 of January 13, 1944.

P.C. 2716 of June 24, 1940; P.C. 7120 of December 4, 1940; P.C. 4389 of June 17, 1941; P.C. 6037 of August 8, 1941, and P.C. 7360 of September 20, 1941.

His Excellency in Council, on the same recommendation, and pursuant to the powers conferred by the War Measures Act and the Department of Munitions and Supply Act, is pleased to make the following Regulations Respecting Timber and they are hereby made and established—

REGULATIONS RESPECTING TIMBER

1. *Interpretation*

(1) For the purpose of these Regulations, unless the context otherwise requires,

(a) "Controller" or "Timber Controller" shall mean the person appointed Timber Controller by the Governor in Council;

**C.—Department of Reconstruction and Supply—continued**

- (b) "Deputy Timber Controller" shall mean any person appointed a Deputy Timber Controller by the Governor in Council;
- (c) "dealing in" shall include the following activities or undertakings and shall also include the doing of any act in preparation for or in the course of any of them;
  - buying, selling, exhibiting for sale, taking or receiving orders for, leasing, hiring, lending, borrowing, exchanging, acquiring, importing, storing, supplying, delivering, transporting, distributing, allocating, shipping, conveying, installing, mortgaging, encumbering, bartering, trading, giving, transferring, using, or consuming
 and "deal in"; "dealt in" and "dealer in" shall have corresponding and similarly extended meanings;
- (d) "equipment" shall include any property, real or personal, and any goods owned by or under the control of any person for the purpose of producing or dealing in timber; provided that the Minister may generally or specifically declare in writing any property or thing to be included in or excluded from "equipment" for the purposes of these Regulations or any other Regulations or Order in Council relating to the Timber Controller;
- (e) "Minister" shall mean the Minister of Munitions and Supply;
- (f) "order" shall include any licence, permit, regulation, prohibition, direction, condition, requirement, restriction or limitation issued or made under these Regulations or under any other Regulation or Order in Council relating to the Timber Controller;
- (g) "producing" shall include the following activities or undertakings and shall also include the doing of any act for or in the course or preparation of any of them; felling, cutting, sawing, processing, planing, finishing, converting and making, and "produce", "produced", "producer" and "production" shall have corresponding and similarly extended meanings;
- (h) "timber" shall include any trees, standing or cut, and any lumber in any form, and any wood, processed or unprocessed, and any wood product, and any by-product of wood, including but without limiting the generality of the foregoing, pulp wood, pulp wood chips, cordwood, millwaste, sawdust, hogged fuel and charcoal.

(2) Except as herein otherwise provided His Majesty in Right of Canada, and His Majesty in Right of any province thereof, shall be bound by the provisions of these Regulations.

**2. Powers of the Timber Controller**

The Controller shall have power,

- (a) to take possession of, appropriate or otherwise acquire, any timber and/or any equipment wherever found, and to dispose of or otherwise deal in such timber;
- (b) to produce and/or deal in timber and/or equipment;
- (c) to enter on any land or into any building or place, by himself or by any person duly authorized by him thereunto, for the purpose of taking possession of, producing and/or dealing in timber and for the purpose of inspecting and/or searching for any timber;

**C.—Department of Reconstruction and Supply—*continued***

- (d) to enter on, take possession of and utilize, by himself or by any person duly authorized by him thereunto, any land or premises or any plant, building, place, equipment or facilities used or capable of being used for producing and/or dealing in timber;
- (e) to prohibit or regulate any practice, or mode of, or related to, producing or followed in connection therewith, which, in the opinion of the Controller, would or might increase, or tend to increase, the price of timber and/or equipment of any kind either generally or to any person, or which would or might affect, or tend to affect, the orderly production of, and/or dealing in any timber and/or equipment;
- (f) subject to the approval of the Minister, to fix or limit the quantity of any timber and/or any equipment which may be produced and/or dealt in either generally or within specified periods of time; and to prohibit producing and/or dealing in any timber and/or equipment in excess of the quantities so fixed or limited;
- (g) to prohibit any person from consuming or using timber and/or equipment of any kind, either absolutely or to such an extent, or for any such purpose as may be specified by the Controller;
- (h) to issue and reissue licences to persons producing and/or dealing in timber and/or equipment, and to suspend, cancel or refuse to issue any such licence whenever the Controller deems it to be in the public interest to do so, and subject to the approval of the Minister, to fix the fees payable for the issue of such licences, and to prescribe the manner, procedure, terms and conditions under which such licences shall be obtained;
- (i) to prohibit any person from producing and/or dealing in timber and/or equipment of any kind or kinds, or participating in any such production and/or dealing in any timber and/or any equipment, either directly or indirectly, unless previously licensed by the Controller, or unless under a permit issued by the Controller;
- (j) to prescribe conditions to which any licence or permit shall be subject and to vary any such conditions and/or to specify further or other conditions;
- (k) to prohibit or regulate the construction of, or the making of any structural or other change or addition to, any plant, building or place used or to be used for or in connection with, the production of, or dealing in, timber and/or equipment;
- (l) to prohibit or regulate the use of any land, building, plant or place for the purpose of producing and/or dealing in timber and/or equipment of any kind;
- (m) to make or to require any person to make any structural change in or addition to, or to provide or to require any person to provide any equipment in, any plant, building or place for the purpose of or to be used in any way in connection with producing and/or dealing in, timber and/or any equipment;
- (n) to make orders regulating, fixing, determining and/or establishing the kind, type, grade, quality, standard and/or quantity of any timber and/or any equipment that may be produced and/or dealt in by any person; and to prohibit any production and/or dealing in timber and/or any equipment, contrary to any such order or orders;



**C.—Department of Reconstruction and Supply—continued**

- (o) subject to the approval of the Minister, to establish a quota or quotas prescribing the kind, type, model, grade, standard, quality, classification or species of any timber and/or any equipment that may be produced and/or dealt in by any person; and subject as aforesaid, to prohibit any person from producing and/or dealing in timber and/or equipment except in accordance with any such quota or quotas, unless the Controller shall have issued a permit therefor, which permit may specify the manner in which such timber and/or equipment may be produced and/or dealt in contrary to such quota or quotas and/or kind, types, models, grades, standards, qualities, classifications or species of any timber and/or any equipment, and the number of each, that may be produced and/or dealt in contrary to such quota or quotas;
- (p) to prohibit any person from owning, keeping, having, retaining, or being in possession of or having control of timber;
- (q) to order or to require any person owning or having power to dispose of, or being in possession of, or producing and/or dealing in timber and/or any equipment, to produce and/or deal in such timber and/or equipment in such manner as may be so ordered, and, if ordered so to do, in priority to any other business of such person;
- (r) to order or require any person producing and/or dealing in timber or equipment to make or procure the making of such checks and/or audits of the books, accounts and/or records of such person; or of any person who has received, directly or through another supplier, timber or equipment sold or supplied by such person, as may from time to time be prescribed by the Controller either generally or specifically;
- (s) to regulate and control, by prohibition or otherwise any or all dealings or transactions between any person producing and/or dealing in timber and/or any equipment and any other such person in respect of or in connection with, any production and/or dealing in any timber and/or any equipment, and/or the acquisition and/or use of any real and/or personal property, including any equipment, for or in connection therewith.

**3. Delegation**

The Controller shall have power to delegate to any person or persons any power vested in the Controller under these Regulations or under any Order in Council or Statute, including any power involving the exercise of a discretion, and any order made in the exercise by any such person of a power so delegated shall be final and binding unless and until it has been varied or vacated by the Controller.

**4. Orders to Conserve Timber, and Prevent or Preclude Breaches of Orders**

The Controller shall have power by order to prohibit and restrain any person from producing and/or dealing in timber and/or equipment or from dealing in any timber and/or equipment at any place or in any area or zone specified by the Controller, and to this end the Controller may order such acts or things to be done or omitted as he may deem necessary to prevent or preclude the use of any particular timber or equipment or any plant, building or place in breach of such order. The Controller may exer-

**C.—Department of Reconstruction and Supply—concluded**

cise the said power to prevent or preclude any breach or further breach or apprehended breach of any order (whether general or specific) of the Controller or any person acting under his authority.

**5. Breach of Contract Pursuant to Order**

Where any person fails to fulfil any contract or obligation whether made or assumed before or after the effective date of these Regulations, and such failure is due to compliance on the part of such person with any order made under the authority of these Regulations after such contract or obligation was made or assumed, proof of that fact shall be a good defence to any action or proceeding against such person in respect of such failure.

**6. Controller and Agents Protected**

*Revoked by chapter 16, Statutes of 1947*

**7. Powers of a Deputy Controller**

A Deputy Timber Controller shall have and exercise any and all powers conferred on the Timber Controller, subject to any restriction thereof which the Controller may from time to time impose and subject in all cases to review by the Controller; provided that any order of a Deputy Timber Controller shall be final and binding unless and until it has been varied or vacated by the Controller.

**8. Wartime Industries Control Board Regulations Preserved**

Nothing in these Regulations shall restrict or vary the provisions of the Wartime Industries Control Board Regulations established by Order in Council P.C. 3 of January 4, 1944 and the Timber Controller shall have the powers and immunities and be subject to the limitations granted and imposed by the said Wartime Industries Control Board Regulations, which shall be read and construed as one with these Regulations.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**APPENDIX II****NEWFOUNDLAND**

The agreement containing the Terms of Union of Newfoundland with Canada was approved by chapter 1 of the Statutes of Canada, 1949, and confirmed by *The British North America Act, 1949*. By paragraph (1) of Term 18 all laws in force in Newfoundland at or immediately prior to the date of Union continue therein as if the Union had not been made, subject nevertheless to be repealed, abolished or altered by the Parliament of Canada or by the Legislature of the Province of Newfoundland according to the authority of the Parliament or of the Legislature under the British North America Acts, 1867 to 1946. Paragraph (2) of Term 18 provides that Statutes of the Parliament of Canada in force at the date of Union, or any part thereof, shall come into force in the Province of Newfoundland on a day or days to be fixed by Act of the Parliament of Canada or by

**Newfoundland—Proclamations**

proclamation of the Governor General in Council issued from time to time. Paragraph (2) of Term 18 provides further that any such proclamation may provide for the repeal of any of the laws of Newfoundland that

- (a) are of general application;
- (b) relate to the same subject-matter as the statute or part thereof so proclaimed; and
- (c) could be repealed by the Parliament of Canada under paragraph (1) of Term 18.

Proclamations of the Governor General in Council bringing certain statutes of the Parliament of Canada into force in the Province of Newfoundland and repealing certain statutes of Newfoundland were issued on April 1, 1949, May 9, 1949 and September 13, 1949. For convenience the schedules to these proclamations, listing the statutes brought into force and the statutes repealed, are set forth hereunder.

- 1. Proclamation of April 1, 1949.** (Published in the *Canada Gazette*, Part II, April 27, 1949, at page 722):

**The First Schedule**

*Statutes of the Parliament of Canada to come into force in the Province of Newfoundland on the first day of April, 1949*

Interpretation Act  
Publication of Statutes Act  
Aeronautics Act  
Department of Agriculture Act  
The Pest Control Products Act  
Government Annuities Act  
Public Archives Act  
Armistice-Day Act  
Board of Audit Act  
Animal Contagious Diseases Act  
Savings Banks Act  
Bills of Exchange Act  
Bills of Lading Act  
Boards of Trade Act  
Bridges Act  
Civil Service Act  
Civil Service Superannuation Act  
Cold Storage Act  
Combines Investigation Act  
Loan Companies Act  
Trust Companies Act  
Contingencies Act  
Copyright Act  
Exchequer Court Act  
Supreme Court Act  
Extradition Act  
Identification of Criminals Act  
Currency Act  
Customs Act  
Customs Tariff



**Newfoundland—Proclamations—continued**

Dairy Industry Act  
 Demise of the Crown Act  
 Destructive Insect and Pest Act  
 Public Documents Act  
 Dominion Day Act  
 Dominion Controverted Elections Act  
 Corrupt Practices Inquiries Act  
 Disfranchising Act  
 Electricity and Fluid Exportation Act  
 Escheats Act  
 Experimental Farm Stations Act  
 Export Act  
 Expropriation Act  
 Department of External Affairs Act  
 Canadian Farm Loan Act  
 Ferries Act  
 Fertilizers Act  
 Department of Finance and Treasury Board Act  
 Deep Sea Fisheries Act  
 Meat and Canned Foods Act, except in so far as it relates to fish,  
     shellfish and products thereof  
 Maritime Freight Rates Act  
 Fugitive Offenders Act  
 Geology and Mines Act  
 Governor General's Act  
 Public Works Health Act  
 Immigration Act  
 Immigration Aid Societies Act  
 Inquiries Act  
 Interest Act  
 Department of Justice Act  
 Solicitor General's Act  
 Alien Labour Act  
 Labour Department Act  
 Public Lands Grants Act  
 Ordnance and Admiralty Lands Act  
 Leprosy Act  
 Live Stock Shipping Act  
 White Phosphorous Matches Act  
 Canada Medical Act  
 Migratory Birds Convention Act  
 Militia Act  
 Militia Pension Act  
 Money-Lenders Act  
 Department of National Defence Act  
 Department of National Revenue Act  
 Navigable Waters' Protection Act  
 Oaths of Allegiance Act  
 House of Commons Act  
 Library of Parliament Act  
 Senate and House of Commons Act  
 Speaker of the House of Commons Act  
 Speaker of the Senate Act  
 Proprietary or Patent Medicine Act  
 Pawnbrokers Act

**Newfoundland—Proclamations—continued**

Pension Fund Societies Act  
Old Age Pensions Act  
Pension Act  
Petition of Right Act  
Royal Canadian Mounted Police Act  
Post Office Act  
Public Printing and Stationery Act  
Public Officers Act  
Public Service Re-arrangement and Transfer of Duties Act  
Public Works Act  
Government Works Tolls Act  
Quarantine Act  
Railway Act  
Department of Railways and Canals Act  
Canadian National Railways Act  
Government Railways Act  
Passenger Tickets Act  
Research Council Act  
Excise Tax Act  
Salaries Act  
Savings Deposits Returns Act  
Satisfied Securities Act  
Soldier Settlement Act  
Department of State Act  
Dry Docks Subsidies Act  
Telegraphs Act  
Ticket of Leave Act  
Tobacco Restraint Act  
Department of Trade and Commerce Act  
Trade Mark and Design Act  
Trade Unions Act  
Government Vessels Discipline Act  
Victoria Day Act  
Wages Liability Act  
War Measures Act  
Inland Water Freight Rates Act  
Dominion Water Power Act  
Winding-up Act  
United States Wreckers Act  
Federal District Commission Act  
The Royal Military College Act  
The Canteen Funds (Canada) Act  
The Importation of Intoxicating Liquors Act  
The Opium and Narcotic Drug Act, 1929  
An Act to place Canadian Coal used in the manufacture of iron or steel  
on a basis of equality with imported coal  
The Department of Fisheries Act  
The National Parks Act  
An Act to provide for the regulation of Vehicular Traffic on Dominion  
Property  
The Consolidated Revenue and Audit Act, 1931  
The Tariff Board Act  
An Act respecting debts due to the Crown  
The Gold Export Act  
The Unfair Competition Act, 1932

**Newfoundland—Proclamations—continued**

The Department of Insurance Act  
 The Canadian and British Insurance Companies Act, 1932  
 The Foreign Insurance Companies Act, 1932  
 The Live Stock Pedigree Act, 1932  
 The Visiting Forces (British Commonwealth) Act, 1933  
 The Hay and Straw Inspection Act, 1933  
 Extra-territorial Act, 1933  
 The Translation Bureau Act  
 The Companies Act, 1934  
 Bank of Canada Act  
 Canada Shipping Act, 1934, except section 21 and Part VI  
 The Excise Act, 1934  
 The Patent Act, 1935  
 The Fair Wages and Hours of Labour Act, 1935  
 The Canadian Fisherman's Loan Act  
 The Canadian Wheat Board Act, 1935  
 The Fruit, Vegetables and Honey Act  
 The National Employment Commission Act, 1936  
 The Canadian Broadcasting Act, 1936  
 The Department of Mines and Resources Act  
 The Department of Transport Act, 1936  
 The National Harbours Board Act, 1936  
 The Veterans' Assistance Commission Act, 1936  
 The Water Carriage of Goods Act, 1936  
 The Home Improvement Loans Guarantee Act, 1937  
 An Act respecting alteration in the law touching the Succession to the Throne  
 The Department of Transport Stores Act  
 The Feeding Stuffs Act, 1937  
 The Fisheries Research Board Act  
 The Foreign Enlistment Act, 1937  
 The Seeds Act, 1937  
 The Trans-Canada Air Lines Act, 1937  
 The High Commissioner in the United Kingdom Act, 1938  
 The Inspection and Sale Act, 1938  
 The Municipal Improvements Assistance Act, 1938  
 The Dominion Elections Act, 1938  
 The Radio Act, 1938  
 The Transport Act, 1938  
 The Carriage by Air Act, 1939  
 The Cheese and Cheese Factory Improvement Act  
 The National Film Act, 1939  
 The Seals Act, 1939  
 The Small Loans Act, 1939  
 The Agricultural Products Co-operative Marketing Act, 1939  
 The Grain Futures Act  
 The Wheat Co-Operative Marketing Act, 1939  
 The Youth Training Act, 1939  
 The Defence Purchases, Profits Control, and Financing Act, 1939  
 The Gold Clauses Act, 1939  
 The Live Stock and Live Stock Products Act, 1939  
 The Official Secrets Act  
 The Salt Fish Board Act  
 The Department of Munitions and Supply Act  
 The Royal Canadian Air Force Act



**Newfoundland—Proclamations—continued**

- The Compensation (Defence) Act, 1940
- The Unemployment Insurance Act, 1940
- The Dominion Succession Duty Act
- The Veterans' Land Act, 1942
- The Vocational Training Co-Ordination Act, 1942
- The National Physical Fitness Act
- The Department of Reconstruction Act, 1944
- The Department of Veterans Affairs Act
- The Surplus Crown Assets Act
- The Department of National Health and Welfare Act
- The Naval Service Act, 1944
- The Agricultural Prices Support Act, 1944
- The Bank Act
- The Export Credits Insurance Act
- The Family Allowances Act, 1944
- The Farm Improvement Loans Act, 1944
- The Fisheries Prices Support Act, 1944
- The Industrial Development Bank Act
- The National Housing Act, 1944
- The Veterans Insurance Act
- The War Service Grants Act, 1944
- The Food and Agriculture Organization of the United Nations Act, 1945
- The Canada Prize Act, 1945
- The Central Mortgage and Housing Corporation Act
- The Department of Reconstruction and Supply Act, 1945
- The Maple Products Industry Act, 1945
- The Veterans Rehabilitation Act
- The Explosives Act, 1946
- The Canadian Citizenship Act
- The Government Companies Operation Act
- The Precious Metals Marking Act, 1946
- The Women's Royal Naval Services and the South African Military Nursing Service (Benefits) Act
- The Allied Veterans Benefits Act
- The Atomic Energy Control Act, 1946
- The Canadian Commercial Corporation Act
- The Civilian War Pensions and Allowances Act
- The Fire Fighters War Service Benefits Act
- The Foreign Exchange Control Act
- The Judges Act, 1946
- The Merchant Seamen Compensation Act
- The Special Operators War Service Benefits Act
- The Supervisors War Service Benefits Act
- The Veterans' Business and Professional Loans Act
- An Act respecting War Crimes
- The War Veterans' Allowance Act, 1946
- The Mail Contract Supplemental Payments Act
- The Agricultural Products Act
- The Export and Import Permits Act
- The Government Employees Compensation Act, 1947
- The Trading with the Enemy (Transitional Powers) Act
- The United Nations Act, 1947
- The Canadian Maritime Commission Act
- The Diplomatic Service (Special) Superannuation Act

**Newfoundland—Proclamations—continued**

The Dominion Coal Board Act, 1947  
 The Privileges and Immunities (United Nations) Act  
 The Royal Style and Titles Act (Canada), 1947  
 The Emergency Exchange Conservation Act  
 The Emergency Gold Mining Assistance Act  
 The Statistics Act  
 An Act respecting the Revised Statutes of Canada

**The Second Schedule**

*Statutes of Newfoundland to be repealed on the first day of April, 1949*

<i>Statutes</i>	<i>Citation</i>
An Act Relating to Air Navigation Of the Investigation of Combines and Monopolies Of Copyrights	The Act No. 22 of 1947 Chap. 201 Consolidated Statutes of Newfoundland (Third Series) Chap. 153 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting Copyright Of the Extradition of Fugitive Criminals	8 Geo. V. Cap. 20 Chap. 100 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting the Identifica- tion of Criminals	8-9 Geo. V. Cap. 12
An Act Respecting the Currency	8 Geo. V. Cap. 35
An Act to Make Provision for Con- trolling the Export of Gold and for Regulating the Currency	22 Geo. V. Cap. 1
An Act to Amend "The Currency Acts, 1917-1932"	The Act No. 31 of 1934
An Act Further to Amend the Act 22 Geo. V. (Second Session) Cap. 1, Entitled "An Act to Make Provision for Controlling the Export of Gold and for Regulating the Currency"	The Act No. 53 of 1934
An Act Respecting the Currency	The Act No. 11 of 1939
An Act to Amend the Currency Acts, 1917-1935	The Act No. 41 of 1944
An Act to Amend and Consolidate the Law Relating to the Cus- toms and Excise, except section 122 thereof, as enacted by the Act No. 6 of 1942	The Act No. 9 of 1938
An Act to Amend the Customs and Excise Act, 1938	The Act No. 12 of 1945
An Act for Granting to His Majesty Certain Duties of Customs and Excise	The Act No. 20 of 1946
An Act to Amend the Revenue Act, 1946	The Act No. 28 of 1946
An Act Further to Amend the Revenue Act, 1946	The Act No. 42 of 1946
An Act Further to Amend the Revenue Act, 1946	The Act No. 39 of 1947

**Newfoundland—Proclamations—continued**

<i>Statutes</i>	<i>Citation</i>
An Act Further to Amend the Revenue Act, 1946	The Act No. 7 of 1948
An Act Further to Amend the Revenue Act, 1946	The Act No. 34 of 1948
Of Preventing the Introduction and Spread of Insects Destructive to Crops	Chapter 144 Consolidated Statutes of Newfoundland (Third Series)
An Act to Prevent the Introduction or Spreading of Insects Pests and Diseases Destructive to Vegetation	9-10 Geo. V. Cap. 28
An Act Relating to the Prevention of the Introduction into or Spreading in Newfoundland of Insects, Pests, or Diseases Destructive to Vegetation	The Act No. 33 of 1947
An Act Relating to the Sale of Artificial Fertilizers	23 and 24 Geo. V. Cap. 39
An Act to Amend the Act 23 and 24 Geo. V. Chapter 39, Entitled "An Act Relating to the Sale of Artificial Fertilizers"	The Act No. 16 of 1941
Of the Recovery and Rate of Interest	Chapter 189 Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend and Consolidate the Law Relating to War Pensions	The Act No. 15 of 1935
An Act to Repeal the Act 23 & 24 Geo. V. Chapter 64 Entitled "An Act Respecting an Amendment to the War Pensions Act, 1922"	The Act No. 15 of 1942
Of Trade Marks and the Registration Thereof	Chapter 154 Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend Chapter 154 of the Consolidated Statutes (Third Series) Entitled "Of Trade Marks and the Registration Thereof"	The Act No. 27 of 1943
An Act Further to Amend Chapter 154 of the Consolidated Statutes (Third Series) Entitled "Of Trade Marks and the Registration Thereof"	The Act No. 39 of 1948
An Act Relating to Dangerous Drugs	The Act No. 23 of 1936
An Act to make Provision with Respect to Forces of His Majesty from Other Parts of The British Commonwealth or from a Colony when Visiting Newfoundland; and with respect to the Exercise of Com-	The Act No. 29 of 1940



Newfoundland—Proclamations—continued

<i>Statutes</i>	<i>Citation</i>
mand and Discipline when Forces of His Majesty from Different Parts of the Common- wealth are Serving Together; And with respect to the Attach- ment of Members of One Such Force to Another Such Force; And with respect to Deserters from such Forces	
An Act Respecting Patents	18 Geo. V. Cap. 9
An Act to Amend the Act 18 Geo. V. Cap. 9, Entitled "An Act Respecting Patents"	The Act No. 47 of 1935
An Act Further to Amend the Act. 18 Geo. V. Cap. 9, Entitled "An Act Respecting Patents"	The Act No. 5 of 1944
An Act Further to Amend the Act 18 Geo. V. Cap. 9, Entitled "An Act Respecting Patents"	The Act No. 32 of 1946
An Act to Amend the Law with respect to the Carriage of Goods by Sea	22 Geo. V. Cap. 18
An Act Respecting the Importation and sale of Seeds	The Act No. 42 of 1942
An Act to Give Effect to a Conven- tion for the Unification of Cer- tain Rules Relating to Inter- national Carriage by Air	The Act No. 22 of 1938
An Act to Amend the Carriage by Air Act, 1938	The Act No. 52 of 1938
An Act to Prohibit the Disclosure of Official Secrets	The Act No. 5 of 1934
Of Bills of Exchange, Cheques and Promissory Notes	Cap. 185 Consolidated Statutes of Newfoundland (Third Series)
Of Bills of Lading	Cap. 186 Consolidated Statutes of Newfoundland (Third Series)
An Act Relating to the Newfound- land Railway	The Act No. 22 of 1934
An Act Respecting the Records of Pure Bred Animals	15 Geo. V, Cap. 28
An Act to Amend the Act 15 Geo. V, Cap. 28 (The Livestock Pedigree Act)	23 and 24 Geo. V, Cap. 40
Of Paper Currency	Cap. 197 Consolidated Statutes of Newfoundland (Third Series)
An Act to make Provision as to Immunities, Privileges and Capacities of International Organizations	The Act No. 27 of 1948
An Act to Enable Effect to be Given to Certain Provisions of the Charter of the United Nations	The Act No. 28 of 1948

**Newfoundland—Proclamations—continued**

<i>Statutes</i>	<i>Citation</i>
Of Aliens and Immigration	Cap. 77 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting Immigration	Cap. 29, 17 Geo. V.
Of the Immigration of Chinese Persons	Cap. 79 Consolidated Statutes of Newfoundland (Third Series)
Of Deportation	Cap. 73 Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend Chapter 73 of the Consolidated Statutes (Third Series) Entitled "Of Deportation"	15 Geo. V, Cap. 10
An Act to Amend the Law in Relation to Deportation from Newfoundland	The Act No. 10 of 1944
An Act Further to Amend Chapter 73 of the Consolidated Statutes (Third Series) Entitled "Of Deportation"	The Act No. 49 of 1944
An Act Relating to the Department of External Affairs	22 Geo. V Cap. 14
An Act Respecting Radiotelegraphy	21 Geo. V. Cap. 19
An Act to Amend the Radiotelegraph Act, 1930	22 Geo. V. Cap. 24
An Act Further to Amend the Radiotelegraph Act, 1930	The Act No. 34 of 1938
An Act Further to Amend the Radiotelegraph Act, 1930	The Act No. 46 of 1943
Of Money Lenders	Cap. 199 of the Consolidated Statutes of Newfoundland (Third Series)
Of the Naturalization of Aliens	Cap. 78 of the Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend Chapter 78 of the Consolidated Statutes (Third Series) Entitled "Of the Naturalization of Aliens"	20 Geo. V. Cap. 14
An Act Respecting Broadcasting	The Act No. 2 of 1939
An Act to Confer Certain Emergency Powers on the Customs	The Act No. 39 of 1939
An Act Relating to the Salaries of the Judges of the Supreme Court of Newfoundland	The Act No. 23 of 1938
An Act to Provide for the Grant of Superannuation Allowances to Judges of the Supreme Court	The Act No. 13 of 1944
Of the Postal and Telegraph Services	Cap. 35 Consolidated Statutes of Newfoundland (Third Series)
Of Control of the Telegraph Services in Emergencies	Cap. 37 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting the Department of Posts and Telegraphs	11 Geo. V. Cap. 36

**Newfoundland—Proclamations—continued**

<i>Statutes</i>	<i>Citation</i>
An Act Further to Amend Chapter Thirty-Five of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	11 Geo. V. Cap. 37
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services" and the Amending Act 11 Geo. V, Cap. 37 (1920)	17 Geo. V. Cap. 20
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	22 Geo. V. Cap. 26
An Act Relating to the Mode of Collection of the Tax on Telegraphic Messages	22 Geo. V. Cap. 27
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	23 & 24 Geo. V. Cap. 56
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	The Act No. 13 of 1934
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	The Act No. 17 of 1934
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	The Act No. 47 of 1934
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	The Act No. 17 of 1941
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	The Act No. 38 of 1947
Of the Manufacture, Storage, Importation and Sale of Explosives	Cap. 54 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting Trading with the Enemy	The Act No. 38 of 1939
An Act for Making Further Provision for Preventing Trading with the Enemy	The Act No. 40 of 1939
An Act for the Defence of Newfoundland	The Act No. 37 of 1939



**Newfoundland—Proclamations—continued**

<i>Statutes</i>	<i>Citation</i>
An Act Respecting the Newfoundland Militia Force	The Act No. 45 of 1939
An Act to Amend the Militia Act, 1939	The Act No. 9 of 1941
An Act to Amend the Militia Act, 1939	The Act No. 18 of 1942
An Act Respecting Change of Name of the Newfoundland Militia	The Act No. 6 of 1943
An Act to Amend the Militia Act, 1939	The Act No. 23 of 1943
An Act Respecting the Newfoundland Auxiliary Militia	The Act No. 11 of 1940
An Act Respecting Change of Name of Newfoundland Auxiliary Militia	The Act No. 7 of 1943
An Act to Extend the Operation of the Militia Act, 1939, and the Auxiliary Militia Act, 1940	The Act No. 40 of 1940
An Act Further to Extend the Operation of the Militia Act, 1939, and the Auxiliary Militia Act, 1940, for the Duration of the Present Emergency	The Act No 26 of 1941
"Of Light Dues"	Cap. 25 of the Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend Chapter 25 of the Consolidated Statutes (Third Series) Entitled "Of Light Dues"	15 Geo. V, Cap. 21
An Act Further to Amend Chapter 25 of the Consolidated Statutes (Third Series) Entitled "Of Light Dues"	17 Geo. V, Cap. 31
An Act Further to Amend Chapter 25 of the Consolidated Statutes (Third Series) Entitled "Of Light Dues"	The Act No. 27 of 1935
An Act Respecting Merchant Shipping (Load Lines)	The Act No. 34 of 1935
An Act to Make Further Provision as to the Submergency of Load Lines	The Act No. 7 of 1941
Of Merchant Shipping	Cap. 168 Consolidated Statutes of Newfoundland (Third Series)
"Of Certificates of Masters and Mates"	Cap. 169 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting Certificates of Masters and Mates	12 Geo. V, Cap. 1
An Act to Amend Chapter 169 of the Consolidated Statutes (Third Series) Entitled "Of Certificates of Masters and Mates"	19 Geo. V, Cap. 7

**Newfoundland—Proclamations—continued**

<i>Statutes</i>	<i>Citation</i>
An Act Further to Amend Chapter 169 of the Consolidated Statutes (Third Series) Entitled "Of Certificates of Masters and Mates"	The Act No. 21 of 1939
An Act Further to Amend Chapter 169 of the Consolidated Statutes (Third Series) Entitled "Of Certificates of Masters and Mates"	The Act No. 3 of 1943
An Act Further to Amend Chapter 169 of the Consolidated Statutes (Third Series) Entitled "Of Certificates of Masters and Mates"	The Act No. 38 of 1943
Of the Qualifications of Engineers	Chap. 217 of the Consolidated Statutes of Newfoundland (Third Series)
An Act to Provide for Certain Ocean and Harbour Lights in This Colony	45 Vic. Chap. 20
Of Wreck and Salvage	Cap. 173 of the Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend Chapter 122 of the Consolidated Statutes (Second Series) Entitled "Of Wreck and Salvage"	8 Geo. V. Cap. 31
An Act Further to Amend Cap. 173 of the Consolidated Statutes (Third Series) Entitled "Of Wreck and Salvage"	The Act No. 16 of 1939
Of Marine Courts of Enquiry	Cap. 170 of the Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend Cap. 170 of the Consolidated Statutes (Third Series) Entitled "Of Marine Courts of Enquiry"	12 Geo. V. Cap. 17
An Act Respecting a Preferential Tariff on Products of Spain	14 Geo. V. Cap. 12
Of Banks and Banking	Cap. 209 Consolidated Statutes of Newfoundland (Third Series)
Of Warehouse Receipts and Other Securities in the Possession of Banks	Cap. 210 Consolidated Statutes of Newfoundland (Third Series)
An Act Further to Amend Chapter 209 of the Consolidated Statutes Entitled "Of Banks and Banking"	The Act No. 8 of 1942
An Act to Amend Chapter 209 of the Consolidated Statutes (Third Series) Entitled "Of Banks and Banking"	15 Geo. V. Cap. 3

**Newfoundland—Proclamations—continued**

- 2. Proclamation of May 9, 1949.** (Published in the *Canada Gazette*, Part II, June 8, 1949, at page 1095):

**First Schedule**

*Statutes of the Parliament of Canada to come into force in the Province of Newfoundland (on the date of publication of the proclamation in the Canada Gazette):*

Civil Service Insurance Act  
The Admiralty Act, 1934  
The Income Tax Act

**Second Schedule**

*Statutes or portions of statutes of Newfoundland to be repealed (on the said date)*

- Of Stamp Duties—Chapter 28 Consolidated Statutes of Newfoundland (Third Series)
- An Act to Amend the Act 5, Geo. V., (1914), Cap. 10 entitled "An Act Respecting Stamp Duties"—The Act 8-9 Geo. V., Cap. 32.
- An Act to Amend the Act 5 Geo. V., Cap. 10, entitled "An Act Respecting Stamp Duties"—The Act 12-13 Geo. V., Cap. 21.
- An Act to Amend Cap. 28 Consolidated Statutes (Third Series) entitled "Of Stamp Duties"—The Act 20 Geo. V., Cap. 33.
- An Act in relation to the Amendment of Cap. 28 of the Consolidated Statutes (Third Series) entitled "Of Stamp Duties"—The Act 22 Geo. V., Cap. 35.
- An Act further to Amend Cap. 28 of the Consolidated Statutes (Third Series) entitled "Of Stamp Duties"—The Act No. 55 of 1934.
- An Act to Amend the Revenue (Amendment) Act (No. 2) 1948—The Act No. 9 of 1949.
- An Act Further to Amend the Revenue Act, 1946—The Act No. 15 of 1949.
- An Act to Amend Chapter 35 of the Consolidated Statutes (Third Series), entitled "Of the Postal and Telegraph Services"—The Act 21 Geo. V., Cap. 20.
- An Act to Amend Chapter 35 of the Consolidated Statutes (Third Series), entitled "Of the Postal and Telegraph Services"—The Act 22 Geo. V., Cap. 23.
- An Act Further to Amend the Act 11 George V. Chapter 37 entitled an Act Further to Amend Chapter Thirty-Five of the Consolidated Statutes of Newfoundland (Third Series) entitled "Of the Postal and Telegraph Services"—The Act No. 19 of 1945.
- An Act Relating to the Inspection of Ships—The Act No. 33 of 1935.
- The following portions of The Judicature Act, chapter 83 of the Consolidated Statutes (Third Series), namely,
- (a) section 4 in so far as that section declares the Supreme Court of Newfoundland to be a Court of Admiralty, in pursuance of the Imperial Act 53 and 54 Victoria, entitled "An Act to amend the



**Newfoundland—Proclamations—concluded**

law respecting the exercise of Admiralty in Her Majesty's Dominions and elsewhere out of the United Kingdom", with the powers, and jurisdiction conferred by the said Act,

- (b) section 7,
- (c) Order XLV of the Schedule, and
- (d) Appendix M.

**3. Proclamation of September 13, 1949.** (Published in the *Canada Gazette*, Part II, September 28, 1949, page 1835):

This proclamation declares and directs that the *Conciliation and Labour Act* and *The Industrial Relations and Disputes Investigation Act* shall come into force in the Province of Newfoundland on September 19, 1949.

**STATUTORY ORDERS AND REGULATIONS—PROVINCE OF NEWFOUNDLAND**

All statutory orders and regulations made or issued under the Statutes of Canada which are brought into force in the Province of Newfoundland come into force with such Statutes, and all statutory orders and regulations made or issued under the Statutes of Newfoundland which are repealed, are repealed on the dates upon which such Statutes are repealed. Laws that are not repealed, abolished or altered continue in force pursuant to paragraph (1) of Term 18 of the Terms of Union.

**FISHERIES**

Statutory orders and regulations continued in force under paragraph (1) of Term 18 and which were in effect on December 31, 1949.

A—*The Department of Natural Resources Acts, 1934-44*

B—*The Fish Oil and Meal Act 1938*

C—*Newfoundland Fisheries Board Acts, 1936-44*

**A. THE DEPARTMENT OF NATURAL RESOURCES ACTS, 1934-44**

1. *The Codfish Canning (Licensing) Regulations, 1946.*
2. *Codfishery Regulations*
3. *Cod, Seal, Whale and Herring Oil Export Regulations*
4. *Export Packages for Salted Fish Regulations*
5. *Lobster Fishery and Packing Regulations*
- 5a. *Order re Lobster Fishery Prohibited Area*
6. *Processed Fish (Licensing) Regulations, 1944*
- 6a. *Order re Conditions in respect of Licences*
7. *Processed Fish (Filleting and Freezing) Regulations, 1946*
8. *Salmon Fishery and Packing Regulations*
- 8a. *Order re Mesh of Salmon Traps and Nets in Halls Bay*
9. *Seal Meat Packing Regulations*
10. *Squid Fishery Regulations*
11. *Turbot Fishery Regulations*

Newfoundland—A. The Department of Natural Resources Acts—*con.*

## 1. —The Codfish Canning (Licensing) Regulations, 1946

*Short Title*

1. These Regulations may be cited as The Codfish Canning (Licensing) Regulations, 1946.

*Application for licence*

2. The Newfoundland Fisheries Board (hereinafter called "the Board"), upon application made in writing by any person for a licence to can codfish in any factory, may issue a licence for the canning of codfish to such applicant in the said factory.

*Validity of licence*

3. (1) Every such licence shall be valid only for the canning of codfish in the factory for which it is issued which shall be stated in the said licence.

(2) Every such licence shall be valid only for the calendar year in respect of which the licence is issued.

(3) Licences shall be numbered and, in the case of a licence issued to a canner who has previously been the holder of a licence under these Regulations, the number of the licence issued to him shall be the same as that upon the licence previously issued.

*Saving for home canning*

4. No person shall can codfish at any place in Newfoundland unless he is the holder of a licence to can codfish issued and valid under these Regulations; provided that these Regulations shall not apply to any person who shall can codfish for consumption by himself or members of his household, or otherwise for purposes not being sale, export or other commercial transaction.

*Refusal and cancellation*

5. The Board shall have the right in its absolute discretion and without assigning any reason therefor, to refuse to issue a licence for the canning of codfish and to cancel a licence which has been issued for the canning of codfish.

*Fee*

6. The Board shall be entitled to require payment of a fee of two dollars before the issue of any licence to can codfish; and to require that application be made upon a form to be supplied by the Board.

*Label*

7. (1) Every can in which codfish is packed for sale or export or other commercial use shall bear a label upon which is printed in a conspicuous manner:

- (a) The Christian name or the initials thereof and the surname and address of the canner, or of the dealer who obtains the cans from the canner; and, where the canner or dealer is a firm or company, the name and business address of the firm or company.
- (b) A true and correct description of the contents of the can;

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- (c) The net weight of the contents in avoirdupois;
- (d) The word "Newfoundland";
- (e) The word "salt added" if the contents are packed with salt; and
- (f) The licence number of the canner.

**2. Codfishery Regulations for the Province of Newfoundland**

*Interpretation*

1. (a) A "codtrap" shall mean twine knitted together to form a bottom and walls, with corks or floats at the top and weights at the bottom and with doorway and leader. It shall be not less than thirty fathoms on the round, and not less than six fathoms deep. The "leader" shall not be less than 30 fathoms in length nor less than 6 fathoms deep at the point where it joins the doorway of the codtrap.
- (b) A "frame" shall mean a set of moorings and buoys placed in position in the water for the purpose of affixing a codtrap thereto.
- (c) A "cod-net" shall mean twine knitted together, with a head-rope and floats and a foot-rope and weights. Reference in these rules to cod-nets shall be held to include gill nets.
- (d) A "salmon-net" shall mean twine knitted together with a head-rope and floats, and a foot-rope and sinks.
- (e) A "salmon-trap" shall mean twine knitted together, with bottom and walls, corks or floats at the head-ropes to float it, and leads or sinks at the bottom to sink it, with doorways and leader.
- (f) A "cod-trawl" shall mean a long line, to which is attached at intervals shorter lines with hooks.
- (g) A "cod-jigger" shall mean a metal sinker with one or more hooks attached thereto.

*General*

2. No person shall use lime, explosives or other deleterious substances or compounds for killing or catching fish of any description in the territorial waters of Newfoundland.

3. No person shall use a motor boat in the territorial waters of Newfoundland, the engine of which is not equipped with an effective muffler which shall be used whenever the boat is in operation.

4. Whenever a date fixed in these Regulations for the setting of fishing gear falls on Sunday, no person shall set such gear until the following day.

5. Notwithstanding anything contained in these Regulations fish required for scientific, procreative or experimental purposes, may, with the written permission of the Newfoundland Fisheries Board, be taken by any method at any time.

6. (1) No person shall leave uncovered within a radius of one hundred yards from any place where fish is handled, the heads, entrails, bones or offal of any fish.

(2) No person shall throw overboard or deposit any dead fish or heads, entrails, bones or offal of any fish in the harbours or inlets or upon the fishing grounds or ledges in any declared area within the territorial waters of Newfoundland or Labrador.



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(3) Paragraph (2) of this Regulation shall come into effect only after such date as shall be set and in such area or areas in Newfoundland or Labrador as shall from time to time be declared and defined by the Newfoundland Fisheries Board by order published in the *Newfoundland Gazette*.

7. In the curing of fish of any kind whatsoever it shall not be lawful for any person to use salt which has been soiled or salt which has been used before in the curing of any product or thing whatsoever.

8. No person shall use, for the purpose of taking codfish, any kind of trap the walls or sides of which consist of meshes of less than three and a half inches. The opening of any part of the walls of a cod-trap and the lacing on thereto of any cod-bag or knitted twine of less than three and one-half inch mesh for the purpose of removing fish from the cod-trap shall be a violation of these rules: Provided that, for the immediate removal of fish, and for that purpose only, it shall be permissible to lace a cod-bag of any size mesh to the head-rope of a cod-trap.

9. The mesh of any cod-net shall not be less than five inches.

10. No person shall set any cod-trap or frame at a less distance than eighty fathoms from the nearest point of any cod-trap or frame previously set, except in so far as the local Regulations hereinafter contained permit a lesser distance.

11. Except in so far as any local Regulations hereinafter contained permits a lesser distance, no person shall set

- (a) a cod-net or salmon-net at a less distance than fifty fathoms from the nearest point of any cod-trap, cod-net or salmon-net previously set; or
- (b) a cod-trap at a less distance than fifty fathoms from the nearest point of any cod-net or salmon-net previously set.

12. It shall be lawful to set a cod-trap, cod-net or salmon-net on the opposite side of any land or island which may intervene between two cod-traps, cod-nets or salmon-nets at a less distance from that prescribed in the preceding Regulations.

13. When it is declared in any case by any of the local Regulations hereinafter contained or by Regulations made subsequently to these Regulations that the codfishery prosecuted within a particular area of the waters of Newfoundland, named and described, is to be subject to the control of local committees for the purposes of regulating fishing with cod-traps, cod-nets or cod-trawls (hereinafter sometimes separately referred to as a cod-trap, cod-net or cod-trawl Committee) then in addition to all other provisions of these and subsequent Regulations, the Regulations numbered 14 to 21 inclusive hereinafter contained shall apply with respect to such area, subject nevertheless to such modifications and exceptions as may be made in any case by such local Regulations or subsequent Regulations.

14. (1) The cod-trap, cod-net or cod-trawl operators who are desirous of prosecuting the codfishery within an area of the waters of Newfoundland declared by the Regulation to be subject to the control of one or more local codfishery committees and who are qualified by residence and otherwise as may be provided by the Regulations with respect to that area, shall meet before the dates set out in paragraph (2) hereof in each year and elect from among them committees of three or five persons consisting of a Chairman and two or four members. Both Chairman and members shall be eligible for re-election.

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(2) Cod-trap and cod-net operators shall meet separately for the election of their committees before the last day of February in each year, and the cod-trawl owners before the last day of June or before such other dates as may be permitted by the Newfoundland Fisheries Board.

(3) As soon as the Committees have been elected they shall be responsible for drawing berths by lot.

(4) On the first drawing no person may draw more than one berth. If any person has more than one trap, net or trawl, the principal berths shall be drawn for first, the number of berths so drawn being equal to the number of persons drawing. After the first drawing, persons who intend to fish a second trap, net or trawl, shall, in the same manner as for their first, draw for their second berth, the number of berths again being equal to the number of persons drawing. This procedure shall be followed as many times as such persons have traps, nets or trawls to fish and until all berths, if necessary have been drawn.

15. When drawings have taken place the Chairman of each local committee shall forthwith make up for each berth drawn a licence upon a form which may be supplied by the Newfoundland Fisheries Board and which shall set out the location and number or name or other sufficient description of the berth and the name of the person who has drawn it. The licence shall thereupon be signed by the Chairman of the local committee concerned and forwarded to the Newfoundland Fisheries Board and shall be signed by a Member or the Secretary thereof and shall thereupon be returned to the Chairman of the said local committee who shall issue the same to the person named therein or entitled thereto and the same shall be valid subject to the provisions of these Regulations for the season within which the same is issued.

16. The Newfoundland Fisheries Board may require one or more additional copies of the licence to be signed by the Chairman of the local committee concerned and forwarded by him to the Board with the original licence and may return to such Chairman a duplicate of the licence signed in like manner to the original; and the Chairman of the said local committee shall retain a copy of every licence issued, which copy shall be the duplicate copy signed by a Member or the Secretary of the Newfoundland Fisheries Board whenever such duplicate copy has been so signed and returned.

17. All licensed berths shall be buoyed in a manner approved by the committee appointed.

18. Any person being the holder of a valid and subsisting licence issued for a cod-trap, cod-net or cod-trawl berth or who is entitled to receive such licence may, with the approval of a majority of the local committee concerned having control of the area, exchange his cod-trap, cod-net or cod-trawl berth with any other person who is similarly entitled to receive or who is the holder of a valid and subsisting licence for a cod-trap, cod-net or cod-trawl berth within the same area. The Chairman of the local committee concerned shall report any exchange of berths to the Newfoundland Fisheries Board, giving particulars of berths exchanged and the names of the persons making the exchange.

19. Whenever it is provided by Regulations made with respect to any area, of the waters of Newfoundland subject to the control of one or more local cod fishery committees that cod-traps, cod-nets or cod-trawls within

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such area shall be set on or before a certain day in the year, any person who shall hold or be entitled to a licence for a cod-trap, cod-net or cod-trawl berth in such area who shall in any season fail to set his cod-trap, cod-net or cod-trawl on or before the date so provided (unless prevented by weather or ice conditions or other causes over which he has no control) shall forfeit his right to the said berth. The said berth shall then be re-allotted by the Chairman of the local committee concerned to such person as the majority of the committee shall decide and the licence originally issued for such berth shall be void. A new licence shall thereupon be issued for such berth and shall be signed by the Chairman of the local committee concerned and forwarded to the Newfoundland Fisheries Board for signature and shall be otherwise subject to the same provisions as the licence originally issued.

**20.** In any area in the waters of Newfoundland subject to the control of one or more local cod fishery committees, no person other than the holder of a licence therefor (by issue or transfer as provided in these Regulations) shall set a cod-trap, cod-net or cod-trawl in any berth in respect of which a licence has been issued hereunder and which is valid and subsisting.

**21.** Every person shall remove his fishing gear from the water within an area subject to the control of one or more local cod-fishery committees if requested in writing so to do by the local committee concerned for the purpose of marking cod-trap, cod-net or cod-trawl berths that have been allotted by the committees for setting cod-traps, cod-nets or cod-trawls in the berths allotted.

**22.** In all areas where there are not local cod-fishery committees, representations signed by two-thirds of the operators of cod-traps, cod-nets or cod-trawls in favour of establishing such committees may be made to the Newfoundland Fisheries Board who may authorize the establishment and election of such committees.

**23.** In areas which are not subject to the control of a local cod-trap committee, a cod-trap berth may be held by setting in position a frame, a leader or a cod-trap in condition for fishing or any combination of these, except in so far as local Regulations hereinafter contained may prescribe a different method of procedure; provided that if any person shall set a frame or leader, and shall fail to set his cod-trap within four days after setting out the frame or leader, it shall be lawful for any cod-trap operator to remove such frame or leader, and set his own frame, leader or cod-trap in place thereof. If however any person is prevented by weather or ice conditions or other causes over which he has no control from setting his cod-trap within the period set, the four days shall be computed from the time when the weather, ice or other causes shall permit of setting his cod-trap.

**24.** In areas which are not subject to the control of a local cod-net or cod-trawl committee, berths may be held by setting in position a cod-net or cod-trawl, except insofar as local Regulations set forth hereinafter may prescribe a different method of procedure. No fishing gear shall be sufficient to hold a berth other than a *bona fide* cod-net or cod-trawl, in perfect order for fishing and set in position.

**25.** When any person shall have set a cod-trap, cod-net or cod-trawl and it shall have become so damaged that it must be taken up for repair, he



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shall not thereby forfeit his right to reset his cod-trap, cod-net or cod-trawl, provided that it be re-set within four working days, unless he be prevented from so doing by weather or ice conditions, or other causes over which he has no control.

**26.** Any person who does not haul his cod-trawl for two consecutive days unless prevented by weather or ice conditions, or other causes over which he has no control, shall forfeit the right to his berth.

**27.** All cod-trawls shall be moored at both ends and no cod-trawls shall be set within 30 fathoms of the nearest point of a cod-trawl previously set.

**28.** New packages only shall be used as containers in the export of dried codfish.

**29.** All Rules and Regulations heretofore made with respect to the codfishery of Newfoundland and Labrador are hereby revoked.

LOCAL REGULATIONS

*Hermitage Bay*

**30.** No person shall set a cod-trawl inside of a line drawn from Passage Point to Margery Head on the south, or inside a line drawn from Muddy Hole to Day Cove on the north.

*Grand Bank*

**31.** No person shall set a cod-trawl from the 1st of August in one year to the 1st of April in the following year, both inclusive, within a distance of two miles from the shore between lines drawn north west from Grand Bank Cape and north west from Famine Point.

*Renews*

**32.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Renewes in the district of Ferryland from Sculpin Point North to Cape Race South (hereinafter called the Renewes area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Renewes area and no other person shall be entitled to elect the cod-trap Committee for the Renewes area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) No cod-traps shall be set outside of the following lines:—

(1) A straight line drawn from Sculpin Point to Renewes South Head. (O.C. May 27, 1949, P.C. 2667),

(2) A straight line drawn from the seaward side of Renewes Island to Small Point. (O.C. May 27, 1949, P.C. 2667).

(4) No cod-trap shall be set more than 130 fathoms from the mainland from Renewes South Head to Bull Cove. (O.C. May 27, 1949, P.C. 2667).

(5) Any person who has drawn a cod-trap berth in the Renewes area shall set his cod-trap on or before the 1st day of July in any season.

*Fermeuse*

**33.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Fermeuse

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in the district of Ferryland from Bauld Head Cove on the north to Bull's Head Cove on the south (hereinafter called the Fermeuse area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Fermeuse area and no other person shall be entitled to elect the cod-trap Committee for the Fermeuse area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Fermeuse area shall be included in the berths drawn for in that area:—

1. Clear Cove Rocks.
2. Harriet's Rocks.
3. Big Holes.
4. Sleeper's Point.
5. The Keyes.
6. Fannie's Cove Meadow.
7. Bear Cove.
8. Sunken Rocks.
9. 200 fathoms N.W. of Sunken Rocks.
10. Bull's Head Cove.
11. Bauld Head Cove.
12. Black Rock.

(4) Any person who has drawn a cod-trap berth in the Fermeuse area shall set his cod-trap on or before the 1st day of July in any season.

*Aquaforte*

**34.** (1) The codfishery prosecuted within the territorial waters of Newfoundland and adjacent to that part of the coast in the vicinity of Aquaforte in the district of Ferryland from the Northern Head of Aquaforte Harbour on the north to the North East Point of Bauld Head on the south within the area south east from these points (hereinafter called the Aquaforte area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Aquaforte area and no other person shall be entitled to elect the cod-trap Committee for the Aquaforte area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in that Aquaforte area shall be included in the berths drawn for in that area:—

1. North from Sunken Rock, North Point or Aquaforte Rocks.
2. East from South Point of Chance Bay Rocks, called "Thomas Payne's Berth".
3. Salmon Point, Black Head.
4. South East Point of Lawlor's Rock.
5. Herring Cove, Aquaforte Harbour, Foundered Gulch, South Black Head, Gallows Cove, The White Rocks.
6. South from the South Point of Aquaforte Rocks.

(4) Any person who has drawn a cod-trap berth in the Aquaforte area shall set his cod-trap on or before the 1st day of July in any season.

(5) No person shall use a seine for catching caplin at Spout Cove in the area bounded by Spout Cove Point on the West and Fairmouth Point on the East.

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(6) No person shall haul caplin at Herring Cove inside of Brigus Head from a line drawn from Little Hare's Ears to Herring Cove Point on the North West Side of the Cove.

(7) No person shall use a cod-trawl before the 25th day of May in any year on the fishing grounds known as the Aquaforte Fishing Grounds, and no person shall set a cod-trawl within 60 fathoms of the nearest point of any cod-trawl previously set South East from the coast line from North Rocks, Aquaforte Harbour in the North and South East from Hall Head, North Point in the South.

*Ferryland District*

**35.** (1) No person shall use a cod-trawl at any time of the year within three miles of the land from the Southern Head of Bay Bulls to Cape Bollard except as hereinafter provided.

(2) No person shall set any cod-trap within 300 fathoms of Clear's Cove Rocks on the North East of Ferryland or within 300 fathoms of the Sunken Rocks on the South West of Fermeuse.

(3) Except as hereinafter provided no person shall use a cod-trawl on the fishing grounds known as Tinker's Fishing Ground from a line drawn South East by East from Tinker's Point and South by West one and a half miles from Pails Cove except from the 25th day of May to the 10th day of August, both inclusive, and from the 10th day of October to the end of the voyage.

*Ferryland*

**36.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Ferryland, in the district of Ferryland, from the North Rocks of Aquaforte on the North Side of Aquaforte Narrows to the south point of Goose Island on the south (hereinafter called the Ferryland area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Ferryland area and no other person shall be entitled to elect the cod-trap Committee for the Ferryland area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Ferryland area shall be included in the berths drawn for in that area and when an indication is given as to where a cod-trap shall or shall not be set in any such berth, no cod-trap shall be set otherwise than in accordance with such indication:—

1. Goose Island.
2. Middle Ledge Martin's Rock.
3. Middle Ledge Gulch Rock.
4. Kilm Point.
5. Culleton's Rock. Cod-trap on either side shall be set not less than 70 fathoms from said berth.
6. One Gun Battery. No cod-trap shall be set less than 60 fathoms from the cod-trap in this berth.
7. Chimneys.
8. Maney's Gulch.
9. Luscombe's Point.
10. Wash Ball.
11. Flats.



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12. Flat Point.
13. Point of Rocks.
14. Long Point (Back Cove)
15. Millis Rock. Cod-trap not to be set less than 40 fathoms from Kelpy's Rock.
16. Kelpy's Rock. This cod-trap is to be set South South East from Kelpy's Island.
17. Back of Crow Island (Freshwater).
18. Beginning East and running West (Freshwater).
19. Beginning East and running West (Freshwater).  
The distance between berths 18 and 19 herein shall not exceed fifty fathoms.
20. Middle Rock (Aubies).
21. Paddy Walsh's Rock. Cod-trap to be set 60 fathoms from cod-trap at Culleton's Rock.
22. Southern Motion.
23. Black Gulch. Cod-trap not to be less than 60 fathoms from Flats cod-trap.

(4) Any person who has drawn a cod-trap berth in the Ferryland area shall set his cod-trap on or before the 25th day of June in the season.

(5) No person shall use a cod-trawl before the 1st day of May in any year within three miles of the coast line extending from Crow Island near Ferryland to Caplin Bay Gut both inclusive.

(6) No person shall use a seine for the taking of caplin from Burnt Point (Ferryland) to Freshwater (Ferryland) both inclusive.

*Calvert*

**37.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Calvert in the district of Ferryland from Blow Me Down on the north to the herein mentioned berths at Goose Island on the south and west (hereinafter called the Calvert area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Calvert area and no other person shall be entitled to elect the cod-trap Committee for the Calvert area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Calvert area shall be included in the berths drawn for in that area and when an indication is given as to where a cod-trap shall or shall not be set in any such berths no cod-trap shall be set otherwise than in accordance with such indication:—

1. The Bight. This berth may be used to set two cod-traps 50 fathoms apart if needed for reserve.
2. Ragged Point.
3. Castle Cove Berth.
4. Meaney's Island. Cod-trap to be set 65 fathoms from the land and 50 fathoms from the cod-trap in No. 5 berth.
5. Stone Island North Point. Cod-trap to be set 50 fathoms from the land and in line with upper land Cove Point.
6. Big Island. Cod-trap to be set 25 fathoms from No. 5.
7. Pulpit (Goose Island)

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8. East Point of Goose Island. Cod-trap to be set on or before July 20.
9. Sunken Rocks.
10. Bight of Goose Island. Cod-trap to be set 40 fathoms from cod-trap at Southern Point Goose Island.
11. South Fall Pig Ledge.
12. Western Point Goose Island.
13. North Fall Pig Ledge.
14. Black Gulch.
15. Long Shooting Point.
16. Sprawl.
17. Boat Harbour.
18. Jim Crow.
19. Blow Me Down.
20. Hangman's Head.
21. Whales Gulch. Cod-trap to be set 60 fathoms from the cod-trap in No. 4 berth.
22. Upper berth of Bight.

(4) No cod-trap, other than those referred to in the preceding paragraph of this Regulation, shall be set within sixty fathoms of any cod-trap previously set.

(5) Any person who has drawn a cod-trap in the Calvert area shall set his cod-trap on or before the 25th day of June in any season.

*Cape Broyle*

**38.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Cape Broyle in the district of Ferryland from Tar Cove on the north side of the Bay to Cape Broyle Head on the south (hereinafter called the Cape Broyle area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Cape Broyle area and no other person shall be entitled to elect the cod-trap Committee for the Cape Broyle area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Cape Broyle area shall be included in the berths drawn for in that area:—

1. Cook Room Rock.
2. Stream of Water.
3. Island Rock.
4. Church.
5. Shag Rock Point.
6. Tar Cove.
7. Wolf Head.
8. Island Cove Island.
9. Peck's Cove Point.
10. Shag Rock.
11. Western Side of Church.
12. Kittle Cove Point.
13. Little Lance Point.
14. Middle Head.

(4) Any person who has drawn a cod-trap berth in the Cape Broyle area shall set his cod-trap on or before the 1st day of July in any season.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

(5) No person shall use a cod-trawl after the 1st day of August in any year on the following fishing grounds:—

(a) East by North from the Bill of Cape Broyle and outside Horse Rocks.

(b) South and by West to Rock of Old Harry, on a straight line from that to Butchers Point.

(6) No person shall use a trawl on Mussel Bank, Horse Rocks, Old Harry, Steer Rock, Ringtail and Sandy Grounds.

*Brigus South*

**39.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coasts in the district of Ferryland from Golden Cove Point Brigus Head on the south to Freshwater River on the north (hereinafter called the Brigus South area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators in the Brigus South area and no other person shall be entitled to elect the cod-trap Committee for the Brigus South area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Brigus South area shall be included in the berths drawn for in that area:

1. Spinner's Cove.
2. Codseine Point.
3. Mad Rock.

(4) Any person who has drawn a cod-trap berth in the Brigus South area shall set his cod-trap on or before the 25th day of June in any season.

*Bay Bulls*

**40.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Bay Bulls in the district of Ferryland between the Long Point and South Head (hereinafter called the Bay Bulls area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Bay Bulls area and no other person shall be entitled to elect the cod-trap Committee for the Bay Bulls area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) (a) The following berths in the Bay Bulls area shall be included in the berths drawn for in that area and when an indication is given as to where a cod-trap shall or shall not be set in any such berths, no cod-trap shall be set otherwise than in accordance with such indication:—

1. Long Harry Rock.
2. South Head Cove.
3. Spoon Island.
4. Minister.
5. Island Cove, Outside Point.
- 6, 7, 8, 9, 10, in consecutive order, from Island Cove, Outside Point in the direction of Kay's Point.
11. Hanley's Head.
12. Grass Cove.



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- 13, 14, 15, 16, in consecutive order, from Hanley's Head in the direction of Bonne Point.
17. Cape Bonne Point.
- 18 and 19. From Bonne Point in the direction of Bread and Cheese Point.
20. Dungeon Cove.
21. Lower Point, Freshwater Cove.
22. Sculpin Island.
23. Ball Head Bight.
24. "Rust" (Drop Cove) S.E. by S.
25. "Iron Doors" (Drop Cove).
26. West Side "Rust" (Drop Cove)
27. Landing Place.
28. Spout.
29. Island Rock, Spooners Cove.
30. Long Point Cove. (East Side).
31. Long Point Cove. (South West Cove).

(b) The cod-trap set at South Head Cove shall be set straight off the shore, and all the other cod-traps set between South Head and Chase Cove Point shall be set at a distance of not less than 60 fathoms from any cod-trap previously set.

(c) The cod-trap set in Drop Cove shall be set South East from the Rust, and cod-traps on the East and West side shall be set at a distance not less than 80 fathoms from any cod-trap previously set.

No. 24 will be known as the Rust.

(d) The cod-trap set at Outside Point of Island Cove, South Side of Bay Bulls Harbour, shall be set straight off shore from the said point, with leader running into cove between Island and said Point, and all other cod-traps set between Chase Cove Point and Kay's Point shall be set at a distance not less than 80 fathoms from any cod-trap previously set.

(e) The first cod-trap at Hanley's Head shall be set straight off shore from a cove formed by Hanley's Head and outside end of the Flats, the others to follow in consecutive order.

(4) Any person who draws a cod-trap berth in the Bay Bulls area shall set his cod-trap on or before the 1st day of July in any season.

(5) No person shall use a cod-trawl for catching codfish before the 1st day of October in any year inside a line running from Green Fish Point, South West of Bay Bulls Head to Long Point, North East of Bay Bulls North Head.

(6) No person shall use a cod-trawl in the waters from Long Point below Bay Bulls to Heart's Point West to Petty Harbour Motion between the first day of May and the first day of October in any year. The course shall be South East from the headlands mentioned in this paragraph.

(7) No more than one berth which has been drawn in the first drawing shall be operated by the same crew and skipper; Provided that this paragraph shall not apply to any berths which are exchanged in accordance with Regulation 18 of these Regulations.

(8) Any person who has drawn a cod-trap berth in accordance with these Regulations and fails to satisfy the committee and the Newfoundland Fisheries Board by the first day of June in each year that he intends to

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set his trap by the first day of July, shall forfeit his right to the said berth. The said berth shall then be re-allotted in the manner prescribed in Regulation 19 of these Regulations: Provided that all persons interested in obtaining the said berth shall make application not later than the fifth day of June in each year. The person to whom the said berth is finally re-allotted shall in turn forfeit any other berth held by him at the time.

*Witless Bay*

**40A.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Witless Bay, in the district of Ferryland, from Witless Bay Point to the lower part of Lower Red Cove (hereinafter called the Witless Bay area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators in the Witless Bay area and no other person shall be entitled to elect the cod-trap Committee for the Witless Bay area, and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Witless Bay area shall be included in the berths drawn for in that area:

1. Breaking Point.
2. Gully to the Breaking Point.
3. Lower Point of Long Rock.
4. Camel Cove Rock.
5. Twelve O'Clock Point.
6. Skipper Lar's Berth.
7. Lower Point of Peter's Cove.
8. Twelve O'Clock.
9. Ragged Beach.
10. Ragged Point.
11. Westward of the Rocks.
12. Howlett's Berth.
13. Mosey.
14. Chris Yard's Berth.
15. Horse's Back.
16. Gravelly Banks.
17. Otter Cove Point.
18. Mutton Cove.
19. Carey's Rock.
20. Lower Carey's Cove Point.
21. Upper Red Cove (Lower Point)
22. Lower Red Cove.
23. Long Point.
24. Houses.
25. Sinking Rock.
26. Coomb's Cove.
27. The Dock.

(4) Any person who has drawn a cod-trap berth in the Witless Bay area shall set his cod-trap on or before the 10th day of July in any season.

*Petty Harbour and Maddox Cove*

**41.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Petty Harbour and Maddox Cove in the district of St. John's West from the North

**Newfoundland—A. The Department of Natural Resources Acts—con.**

Head of Petty Harbour on the north to Long Point on the south (hereinafter called the Petty Harbour area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Petty Harbour area and no other person shall be entitled to elect the cod-trap Committee for the Petty Harbour area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths shall be included in the berths drawn for in the Petty Harbour area:

1. 70 fathoms North West of Dog's Hole.
2. 70 fathoms North West of No. 1.
3. 70 fathoms North West of No. 2.
4. 70 fathoms North West of No. 3.
5. 70 fathoms North West of No. 4.
6. 70 fathoms North West of No. 5.
7. 70 fathoms North West of No. 6.
8. 70 fathoms North West of No. 7.
9. Condux Cove (Middle Cove).
10. Killock Stone Cove.
11. 70 fathoms from No. 10.
12. Island Cove.
13. Big Herring Cove.
14. Deep Cove.
15. 70 fathoms from No. 14.
16. 70 fathoms from No. 15.
17. 70 fathoms from No. 16.
18. 70 fathoms from No. 17.
19. Square Rock Gulch.
20. 70 fathoms from No. 19.
21. Berth Inside Motion.
22. 70 fathoms from No. 21.
23. 70 fathoms from No. 22.
24. 70 fathoms from No. 23.
25. 70 fathoms from No. 24.
26. 70 fathoms from No. 25.
27. 70 fathoms from No. 26.
28. 70 fathoms from No. 27.
29. 70 fathoms from No. 28.
30. 70 fathoms from No. 29.
31. 70 fathoms from No. 30.
32. 70 fathoms from No. 31.
33. 70 fathoms from No. 32.
34. Fortune Cove.
35. Merry Meeting.
36. Doyle's Cove.
37. Piccott's Cove.
38. White Rock.
39. Birk's Rock.
40. Rocky Rock.
41. Smooth Cove.
42. East Side of Heart's Cove.
43. West Side of Heart's Cove.
44. 70 fathoms from West Side of Heart's Cove.



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45. 70 fathoms from West by South of No. 44.
46. 70 fathoms from No. 45.
47. Dog's Hole.
48. Little Herring Cove.
49. Hutton's Rock.
50. 70 fathoms from No. 43.
51. Split Gulch.

(4) Any person who has drawn a cod-net berth in the Petty Harbour area shall set his cod-trap on or before the 25th day of June in any season.

(5) No person shall set any cod-trap on the ledges of Petty Harbour east of a line running North-east three quarters of a mile from Alexander Head, nor outside of one hundred and eighty fathoms from the shore of any of the banks situated in the centre of the Bay of Petty Harbour, and known as "Tinker's Bank", and comprising the following: "Moin's Rock", "Duck Ledge", "Flat Hummocks" and "Charles Rock".

(6) No person shall set a cod-trap leader or any part thereof outside of one hundred and seventy fathoms from the shore in any part of Petty Harbour area from the Motion Rock on the south shore to Lady Point on the north side.

(7) No person shall set a cod-trap between Motion Head and Haye's Point.

(8) No person shall use a cod-trawl at any time of the year on the fishing grounds of the Petty Harbour area.

**St. John's**

42. (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of St. John's from Sugar Loaf on the north to North Head of Petty Harbour on the south, both inclusive (hereinafter called the St. John's area) shall be subject to the control of local cod-trap and cod-trawl Committees.

(2) The persons referred to in paragraph 4 of this Regulation and no other person shall be entitled to elect the cod-trap Committee for the St. John's area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the St. John's area shall be included in the berths drawn for in that area:

1. Sugar Loaf Cove.
2. Sugar Loaf Cove.
3. Sugar Loaf Cove.
4. Sugar Loaf Cove.
5. Sugar Loaf Cove.
6. Cuckhold's Cove.
7. Freshwater Bay.
8. Freshwater Bay.
9. Freshwater Bay.
10. Freshwater Bay.
11. Windy Gulch.
12. Square Gulch, Square Loaf Cove.
13. Bascet Cove.
14. Bascet Cove.
15. Bulger's Cove.

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16. Broad Cove.
17. Broad Cove.
18. Big Jone's Cove.

*Cape Bay*

1. Cape Bay.
2. Cape Bay.
3. Cape Bay.
4. Cape Bay.
5. Cape Bay.
6. Cape Bay.
7. Cape Bay.
8. Cape Bay.
9. Cape Bay.
10. Cape Bay.
11. Cape Bay.
12. Cape Bay.
13. Cape Bay.
14. Cape Bay.
15. Cape Bay.
16. Cape Bay.

*Blackhead*

1. True Blue Point.
2. Bottal Gulch.
3. Sly Boots.
4. Chapel Berth.
5. North West of Chapel Berth.

(4) No person shall be eligible for drawing a cod-trap berth unless he owns a cod-trap, ordinarily prosecutes the fishery as a principal means of livelihood, and has been a *bona fide* resident of St. John's City, Quidi Vidi, Blackhead, or Freshwater Bay for at least twelve months immediately preceding the date of drawing.

(4a) Not more than one berth which has been drawn in the first drawing shall be operated by the same crew and skipper: Provided that this paragraph shall not apply to any berths which are exchanged in accordance with Regulation 18 of these Regulations.

(5) Any person who has drawn a cod-trap berth in the St. John's area shall set his cod-trap on or before the last day of June in any season.

(6) No person shall set any cod-net or other obstruction within 50 fathoms of any cod-trap previously set.

(7) The Newfoundland Fisheries Board may on recommendation of the local cod-trap Committee make an order that no salmon nets shall remain in the water of St. John's area after a date set out in the said order, and after the said date no person shall place or allow any salmon net to remain in the waters of the area.

*Trawls*

(8) The cod-trawl operators resident in the St. John's area and no other persons shall be entitled to elect the cod-trawl Committee for the St. John's area and to act upon such Committee and to draw for berths and set cod-trawls in such berths in the said area.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

(9) All cod-trawls in the waters of the St. John's area must be set as follows: From Sugar Loaf to Freshwater Point at a course from South East to North West, from Freshwater Point to Cape Spear at a course from East North East to West South West, from Cape Spear to Motion Point at a course from South East to North West.

(10) No person shall set or allow to remain in the water any cod-trawl except between the following dates: June 20th at noon and August 5th, inclusive, and October 6th and January 31st in the following year, both inclusive: provided however, that the Newfoundland Fisheries Board shall have power by resolution published in the *Newfoundland Gazette* and at least one newspaper in St. John's, at any time and from time to time to vary the dates or any of them hereinbefore set out.

*Outer Cove*

**43.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Outer Cove in the district of St. John's East from Codfish Point on the north to Torbay Point on the south (hereinafter called the Outer Cove area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Outer Cove area and no other person shall be entitled to elect the cod-trap Committee for the Outer Cove area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Outer Cove area shall be included in the berths drawn for in that area:

1. The Lower Hole.
2. Between the Two Holes.
3. The Upper Hole.
4. The Red Rocks.
5. The Steps.
6. The Landing Point.
7. The Codfish Point.

(4) Any person who has drawn a cod-trap berth in the Outer Cove area shall set his cod-trap on or before the 2nd day of July in any season.

*Middle Cove*

**44.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Middle Cove in the district of St. John's East from Gordon Point on the north to Codfish Point on the south (hereinafter called the Middle Cove area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Middle Cove area and no other person shall be entitled to elect the cod-trap Committee for the Middle Cove area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said Area.

(3) The following berths in the Middle Cove area shall be included in the berths drawn for in that area:—

1. Little Rock or Mussel Rock.
2. Furlong's Rock, North.
3. Furlong's Rock, South.
4. North East Ship Cove.



**Newfoundland—A. The Department of Natural Resources Acts—con.**

(4) Any person who has drawn a cod-trap berth in the Middle Cove area shall set his cod-trap on or before the 28th day of June in any season.

*Torbay*

45. (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the district of St. John's East from Flat Rock Point on the north to Inagge Point on the south (hereinafter called the Torbay area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Torbay area and no other person shall be entitled to elect the cod-trap Committee for the Torbay area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Torbay area shall be included in the berths drawn for in that area:—

1. Fox Holes.
2. Church Cove (South East by East).
3. Blow-me-down (Inside).
4. Flats.
5. Little Herring Cove.
6. Cow Cove.
7. Flynn's Point.
8. Gull Rock (East).
9. Jonathan's Rock.
10. Freshwater.
11. Bridgemen's Whale.
12. North End Motion.
13. Middle Motion.
14. South Point Motion.
15. Southwest Corner of Bar (to be 80 fathoms from Furlong's Rock).
16. Bayman's Berth (to be 15 fathoms East of Furlong's Rock).
17. Ship Cove, North (to be 15 fathoms from No. 16)
18. Ship Cove.
19. Ship Cove Point.
20. The Bight.
21. Mogue's Point.
22. Ellis's Hole.
23. Cobbler.
24. Round Cove.
25. Shooting Cove Point (Centre of the Cooking Point North and Round Cove).
26. Tapper's Rock.
27. Island Rock (Church Cove), 55 fathoms from No. 2.
28. Lar Power Cove.
29. Outside Ryan's Cove.
30. North Side Lance Cove (Middle Cove Inside).
31. Middle Cove (Outside), (80 fathoms from Furlong's Rock.)
32. Back of Torbay Point (not less than 60 fathoms from No. 1).

(4) Any person who has drawn a cod-trap berth in the Torbay area shall set his cod-trap on or before the 1st day of July in any season.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

(5) No person shall use a cod-jigger after the 25th day of June in any year in the waters between Torbay Point and the Southern Head of Sugar Loaf.

(6) No person shall use a seine (except for the purpose of catching bait) elsewhere than at the Big Beach.

(7) (a) No person using a seine (except for the purpose of catching bait) shall keep his seine in the water between the hours of 6 o'clock in the evening and 8 o'clock the following morning.

(b) No person shall allow caplin owned by him to remain on the beach on Sunday.

**Flat Rock**

46. (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Flat Rock in the District of St. John's East extend from Small Point near Flat Rock on the north to Flat Rock Point on the south (hereinafter called the Flat Rock area) shall be subject to the control of local cod-trap and cod-trawl Committees.

(2) The cod-trap operators resident in the Flat Rock area and no other person shall be entitled to elect the cod-trap Committee for the Flat Rock area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following cod-trap berths in the Flat Rock area shall be included in the berths drawn for in that area:—

1. Blow Hole.
2. Island Rock (Small Point).
3. West Point (inside).
4. Barret Point.
5. West Point.
6. Murdering Gulch.
7. The Peg.
8. Seal Cove.
9. Noles Point.
10. Dog Rock.
11. Bluff Head.
12. Tomcat Gulch.
13. Highlands.
14. Grace's Point.
15. Island Rock (Red Head Cove)
16. Red Head Point.
17. Harry Gulch.
18. The Holes.
19. Long Point.
20. Flats Point.
21. Fanny's Gulch.
22. Top the Beamer.
23. Middle Red Head Cove.
24. Middle Small Point.
25. White Face Rock.

(4) Any person who has drawn a cod-trap berth in the Flat Rock area shall set his cod-trap on or before the first day of July in any season.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

*Trawls*

(5) The cod-trawl operators resident in the Flat Rock area and no other person shall be entitled to elect the cod-trawl Committee for the Flat Rock area and to act upon such Committee and to draw for berths and set cod-trawls in such berths in the said area.

(6) The following cod-trawl berths in the Flat Rock area shall be included in the berths drawn for in that area:—

SECTION 1.

1. Red Head Ground (Centre).
2. Red Head Ground (Centre).
3. Red Head Ground (Centre).
4. Red Head Ground (Centre).
5. Red Head Ground (Centre).
6. Red Head Ground (Centre).
7. Red Head Ground (Centre).
8. Red Head Ground (Centre).
9. Red Head Ground (Centre).
10. Red Head Ground (Centre).
11. Red Head Ground (Centre).
12. Red Head Ground (Centre).

SECTION 2

*White Ledge*

1. Centre Berth.
2. Centre Berth.
3. Centre Berth.
4. Centre Berth.
5. Centre Berth.
6. Centre Berth.

SECTION 3

*Ridge of Beamer*

1. Ridge of Beamer.
- 2.
- 3.

SECTION 4

*New Ground*

1. Inside part of New Ground.
2. Centre part of New Ground.
- 3.
- 4.

(5) All cod-trawls in the waters of the Flat Rock area shall be set at right angles from the shore (on a course approved by the Committee) and a mooring must be placed on each end of every cod-trawl and cod-trawls shall be set at a distance of not less than 30 fathoms apart.

(6) No person shall set a cod-trawl in the waters of the Flat Rock area between August 5 and October 5 in any year unless permitted to do so by the Newfoundland Fisheries Board on recommendation of the local cod-trawl Committee.



**Newfoundland—A. The Department of Natural Resources Acts—con.***Pouch Cove and Biscayan Cove*

47. (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Pouch Cove and Biscayan Cove, in the district of St. John's East from Blackhead near Flat Rock on the south to Anvil Rock on the north both inclusive (hereinafter called the Pouch Cove area) shall be subject to the control of local cod-trap and cod-trawl Committees.

(2) The cod-trap operators resident in the Pouch Cove area and no other person shall be entitled to elect the cod-trap Committee for the Pouch Cove area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Pouch Cove area shall be included in the berths drawn for in that area:—

1. North of Fairy Rock.
2. South of Gull Rock.
3. Joe Butt's Point.
4. Chimney Gulch.
5. Hauling Point.
6. Island Rock in Blackhead Cove.
7. White Rock, Shoe Cove Island.
8. Tow Rock, Shoe Cove Island.
9. Sandy Cove.
10. Blue Madam, Sandy Cove.
11. Strawberry.
12. Offer Biscayan Island, North.
13. Shoe Cove Point.
14. Soakee's Gulch.
15. Jacob's Gulch.
16. White Point.
17. Butt's Gulch.
18. Anvil Rock.
19. Inside Biscayan Island, South.
20. Centre Biscayan Island, South.
21. Offer Biscayan Island, South.
22. John Rose's Rock, Centre Big Cove.
23. Cracker's Poll.
24. Gull Rock, North.
25. Sleepy Point, South Side.
26. North Side, Cape St. Francis.
27. Horrid's Gulch.
28. Jack Filings Point.
29. Salmon Rock.
30. Taylor's Point.
31. Narmer's Rock.
32. Cripple Cove Tickle.
33. Centre Biscayan Island, North Side.
34. Mad Moll.
35. Pulpit Cove.
- 36.
37. The Spout.
38. Curnet Rock.
39. Hollow Cove.
40. Otter Gulch.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

41. Red Scrape.
42. Freshwater.
43. Putty Rock.
44. Bear's Hole.
45. Taylor's Gulch.
46. Pippy's Rock.
47. Cripple Cove Point.
48. Centre Pulpit Cove and Mad Moll.

(4) Any person who has drawn a cod-trap berth in the Pouch Cove area shall set his cod-trap on or before the first day of July in any season.

*Trawls*

(5) The cod-trawl operators resident in the Pouch Cove area and no other person shall be entitled to elect the cod-trawl Committee for the Pouch Cove area and to act upon such Committee and to draw for berths and set cod-trawls in such berths in the said area.

(6) The following cod-trawl berths in the Pouch Cove area shall be included in the berths drawn for in that area:—

SECTION 1

*Biscayan Ledge*

1. South (points of the Gulch).
2. Going North.
3. Going North.
4. Going North.
5. Going North.
6. Going North.
7. Going North.
8. Going North.
9. Going North.
10. Going North.
11. Going North.
12. Going North.
13. Going North.

SECTION 2

*Little Ground*

1. South (Sugar Loaf).
2. Going South.
3. Going South.
4. Going South.
5. Going South.

SECTION 3

*Sandy Ground*

1. South to North for setting.
2. Going North.
3. Going North.

SECTION 4

*Bald Head Ledge*

1. South (Southern Rock Store Door).
2. Going North.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

3. Going North.
4. Going North.
5. Going North.
6. Going North.
7. Going North.
8. South from No. 1.
9. South from No. 2.

## SECTION 5

*Bevine Ledge*

1. North (Northwest Rock).
2. Going South.
3. Going South.
4. Going South.
5. Going South.
6. Going South.
7. Going South.
8. Going South.
9. Going South.

## SECTION 6

*Amour's Rock*

1. South of Rock.
2. North of Rock.

## SECTION 7

*Horseshoe To Amour's Rock*

1. 30 fathoms from No. 1 berth Horseshoe (Blackhead Section).
2. Going South.
3. Going South.
4. Going South.
5. Going South.
6. Going South.
7. Going South.
8. Going South.
9. Going South.
10. Going South.
11. Going South.

## SECTION 8

*Horseshoe (Blackhead)*

1. Horse Shoe.
2. Going South.
3. Going South.
4. Going South.
5. Going South.
6. Going South.
7. Going South.
8. Going South.
9. Going South.
10. Going South.



Newfoundland—A. The Department of Natural Resources Acts—*con.*

SECTION 9

*Blackhead (Small Point).*

1. Joe Butt's Point.
2. Going South.
3. Going South.
4. Going South.
5. Going South.
6. Going South.
7. Going South.
8. Going South.
9. Going South.
10. Going South.
11. Going South.
12. Going South.
13. Going South.
14. Going South.

(7) All cod-trawl in the waters of the Pouch Cove area must be set at a course from West to East or East to West.

(8) The time for putting cod-trawls in the water in the Pouch Cove area each year will be decided upon by the Newfoundland Fisheries Board, upon recommendation of the local Committee.

(9) No cod-trawl shall be used in the Pouch Cove area from August 5 to October 5 in any year.

(10) No person shall use a cod-jigger within the Pouch Cove area.

*Bauline*

48. (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Bauline in the district of St. John's East from Bradbury Bight on the west to Longer Gulch on the east both inclusive (hereinafter called the Bauline area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Bauline area and no other person shall be entitled to elect the cod-trap Committee for the Bauline area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Bauline area shall be included in the berths drawn for in that area and when an indication is given as to where a cod-trap shall or shall not be set in any such berth no cod-trap shall be set otherwise than in accordance with such indication:—

1. Upper Big Cove.
2. Birchs Point.
3. Upper part of Herring Cove Point.
4. Middle part of Herring Cove Point. Leader of cod-trap to go to Herring Cove Point straight off from land and the cod-trap on either side to be 80 fathoms from it.
5. Lower part of Herring Cove Bight.
6. Dark Hole Head.
7. White Point.
8. Black Clift.
9. Upper Herring Cove Head.
10. Pat's Point.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

(4) Any person who has drawn a cod-trap berth in the Bauline area shall set his cod-trap on or before the 20th day of June in any season.

*Portugal Cove*

**49.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Portugal Cove in the district of St. John's West between Coat Cove and Bradbury's Point (hereinafter called the Portugal Cove area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Portugal Cove area and no other person shall be entitled to elect the cod-trap Committee for the Portugal Cove area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Portugal Cove area shall be included in the berths drawn for in that area:—

1. Bluff Point.
2. Skean's Patch.
3. Brook's Head.
4. Whale's Back (Big Freshwater).
5. Turfey Bight.
6. Ringbolt.
7. Sculpin Bight.
8. Miller's.
9. Janey's Point.
10. Kettle Rock.
11. Otter Berry.
12. Earl's Cove.
13. Bobby Allan's Point.
14. Western Point.
15. Little Freshwater.
16. Little Brock's Head.
17. Glass Hole Point.
18. Lobster Cove.
19. Sculpin Point.

(4) Any person who has drawn a cod-trap berth in the Portugal Cove area shall set his cod-trap on or before the 20th day of June in any season.

(5) No person shall set a cod-net in the territorial waters of Newfoundland between Sailing Point and Bradbury's Point.

*Avalon Peninsula*

**50.** (1) No person shall set any cod-trap, cod-trap mooring or twine or gear of any description to secure a cod-trap berth, before noon on the fifth day of June in any year within the territorial waters of Newfoundland between Salmon Cove and Old Sow Point, including Carbonear Island.

(2) No person shall set a cod-trap on the fishing grounds at Harbour Grace Island east of a line drawn north-north-west and south-south-east from the lighthouse, and extending three quarters of a mile on each side of the lighthouse.

(3) No person shall set a cod-trawl inside a line running from Mosquito Point, Harbour Grace, to the eastern-most point of Kelly's Island, thence in a westerly direction to Collier's Point, before the fifteenth day of June in any year.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

(4) No person shall set a cod-net or cod-trawl between Gull Head on the North and Snorter's Head on the South, before the 1st day of September in any year.

(5) No person shall set a cod-net or cod-trap on the fishing grounds generally used by hook-and-line men between Feather Point and Island Cove, inclusive, in the district of Harbour Grace.

(6) No cod-trawl shall be used in the territorial waters of Newfoundland between Cape St. Francis and Motion Point from August 5 to October 5 in any year, except as may be provided by other local Regulations herein contained.

(7) No person shall use a floating cod-trawl in the territorial waters of Newfoundland between a line drawn from the North side of Dewey's Rock to the North end of Baccalieu and a line drawn from Split Point to the South end of Baccalieu.

(8) No person shall use a floating cod-trawl in the territorial waters of Newfoundland between North of Dewey's Rock and Breakheart Point after the first day of August in any year.

*Grates Cove.*

**50A.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Grates Cove, in the District of Carbonear-Bay de Verde, from Gull Island Point to Breakheart Point, both inclusive (hereinafter called the Grates Cove area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Grates Cove area and no other person shall be entitled to elect the cod-trap Committee for the Grates Cove area, and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Grates Cove area shall be included in the berths drawn for in that area:—

1. Gull Island Point.
2. Sandy Hoe.
3. Paddy's Berth.
4. Dan's Cove.
5. Point of Island, Spout Cove Head.
6. Harvey's Rock.
7. Black Rock.
8. Forst's Point.
9. Kitt's Gulch.
10. Drake's Rock.
11. Heart Point.
12. Seward's Cove.
13. Isaac's Point.
14. Jake's Berth.
15. Eddy's Point.
16. Sunken Rock.
17. Reuben's Gulch.
18. Long Rock.
19. Gull Island Cove.
20. Jackie's Berth.
21. Davey's Berth.
22. Dark Holes.



**Newfoundland—A. The Department of Natural Resources Acts—con.**

23. Point of Gadden.
24. Cumming's Rock.
25. Hosse Fire Rocks.
26. Pigeon Cove.
27. Point of Motion.
28. Scotch Rock.
29. Dancing Place.
30. Stephen's Berth.
31. Mooring Point.
32. Shoal Rock.
33. Squidding Point.

(4) Any person who has drawn a cod-trap berth in the Grates Cove area shall set his cod-trap on or before the 1st day of July in any season.

*Heart's Desire*

**51.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Heart's Desire in the district of Trinity South from Freshwater Point on the east to Gannet Rocks on the west (hereinafter called the Heart's Desire area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Heart's Desire area and no other person shall be entitled to elect the cod-trap Committee for the Heart's Desire area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Heart's Desire area shall be included in the berths drawn for in that area:—

1. Mouse Brook.
2. Green Point.
3. Flat Rock.
4. Upper Fish Cove.
5. Lower Fish Cove.
6. Hawk's Gulch.
7. Western Head.
8. In the Bight.

(4) No person shall set any cod-trap, leader or frame in the waters of the Heart's Desire area before noon of the 20th day of May in any year.

(5) Any person who has drawn a cod-trap berth in the Heart's Desire area shall set his cod-trap on or before the 1st day of July in any season.

*Hants Harbour*

**51A.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Hant's Harbour in the district of Trinity South from King's Cove Point to Sunkers Shoal, both inclusive, (hereinafter called the Hants Harbour area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Hant's Harbour area and no other person shall be entitled to elect the cod-trap Committee for the Hant's Harbour area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Hant's Harbour area shall be included in the berths drawn for in that area:—

**Newfoundland—A. The Department of Natural Resources Acts—con.**

1. Seal Cove Sinkers.
2. Gullivers Shoal.
3. Elias's Shoal.
4. Little Island.
5. Western Point.
6. Preachers Rock.
7. Dobbies Shoal.
8. Billies' Shoal.
9. Caplin Cove.
10. King's Head Cove.

*Heart's Delight*

**51B.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Heart's Delight, in the district of Trinity South, from the western side of Gannet Rocks on the east to the eastern side of Western Point Rocks on the west (hereinafter called the Heart's Delight area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Heart's Delight area and no other person shall be entitled to elect a cod-trap Committee for the Heart's Delight area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Heart's Delight area shall be included in the berths drawn for in that area:—

1. Ledge Rock.
2. Lower Tickle Rock.
3. White Rock.
4. Joyels Rock.
5. Gull Shelter Point.
6. Sunken Rock (Upper Path End).
7. Sunken Rock (Long Rock Cove).
8. Bore Point Sinker.
9. Green Patch Cove.
10. Western Point of Lower Rock.

(4) Any person who has drawn a cod-trap berth in the Heart's Delight area shall set his cod-trap on or before the first day of July in any season.

*Trouty*

**52.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Trouty in the district of Trinity North from Upper Point of Crow Head to the lower Point of Bonaventure Head (hereinafter called the Trouty area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Trouty area and no other person shall be entitled to elect the cod-trap Committee for the Trouty area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Trouty area shall be included in the berths drawn for in that area:—

1. Butt of Rags.
2. Long Point Spencers Cove.
3. Western Point Cove.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

4. Whale's Back Cove.
5. Point of Rags North.
6. Tackers Rock.
7. Salmon Hole.
8. Trouty Rock.
9. Hauling Rock.
10. Arch Cove.
11. South West Cove Point.
12. Freshwater.
13. Straight Shore.
14. The Well.
15. Joe's Gulch.

(4) Any person who has drawn a cod-trap berth in the Trouty area shall set his trap on or before the 1st day of July in any season.

*Dunfield*

**52A.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Dunfield in the district of Trinity North from Upper Point of Crow Head to Green Island Point (hereinafter called the Dunfield Area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Dunfield area and no other person shall be entitled to elect the cod-trap Committee for the Dunfield area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Dunfield area shall be included in the berths drawn for in that area:—

1. Jigging Hole.
2. Jigging Hole Point.
3. Coleman's Point.
4. Lower Part of Plain.
5. Upper Part of Plain.
6. Big Stone Island Outside.
7. Big Stone Island Inside.
8. Little Stone Island Inside.
9. Island Rock Crow Head.
10. Island Cove Point Ground.
11. Island Cove Point.
12. Otter Point.

(4) Any person who has drawn a cod-trap berth in the Dunfield area shall set his cod-trap on or before the first day of July in any season.

*Trinity*

**53.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Trinity in the district of Trinity North from Green Island Point to the Horse Chops (hereinafter called the Trinity area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Trinity area and no other person shall be entitled to elect the cod-trap Committee for the Trinity area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.



**Newfoundland—A. The Department of Natural Resources Acts—con.**

(3) No person shall use any cod-trap or cod-net on any part of the fishing ledges around Ragged Islands, opposite the mouth of Smith's Sound.

(4) No person shall use any cod-trawl between a line running South-East from Deep Harbour on the West, and a line running South-East from Seal Island on the East, nor inside a line from Green Island to half a mile off Bonaventure Head, except that cod-trawls may be used South-West of a straight line running from Wolf Head to the East end of Ragged Island.

- (5) (a) In that portion of the territorial waters of the Trinity area hereinafter described, no person except as provided in sub-paragraph (e) hereof shall set or use any cod-trawl except during caplin school;
- (b) Any cod-trawl set under the provisions of this paragraph shall be taken into the boat after having been hauled, unless the operator of such cod-trawl is prevented from so doing by adverse weather conditions or any other cause beyond his control;
- (c) No person shall underrun or re-bait any cod-trawl in the water;
- (d) All cod-trawls must be taken out of the water before the first day of August in each year;
- (e) Cod-trawls may be used in this area between the 15th day of October and the 31st day of December in any year;
- (f) The area to which this Regulation applies shall be all that area bounded as follows: Beginning at Low Point thence in a straight line running  $2\frac{1}{2}$  miles South, thence in a straight line running  $5\frac{1}{2}$  miles West by South to a point  $2\frac{3}{4}$  miles South of Horse Chops, thence in a straight line running  $3\frac{3}{4}$  miles West Northwest half North to a point 3 miles South of Fox Head, thence in a straight line to Fox Head.

*Catalina-Little Catalina*

**53A.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Catalina and Little Catalina in the district of Trinity North from Whales Back Rock to Black Rock, both inclusive (hereinafter called the Catalina-Little Catalina area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Catalina-Little Catalina area and no other person shall be entitled to elect the cod-trap Committee for the Catalina-Little Catalina area, and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) Any person who has drawn a cod-trap berth in the Catalina-Little Catalina area shall set his cod-trap on or before the 1st day of July in any season.

*Bonavista*

**54.** (1) No person shall set a cod-trawl before the 20th day of September in any year within four miles Northward or Westward of the shore including Green Island, Stone Island or Gull Island and Cape Island, between Blackhead, Bonavista Bay and Cape Bonavista, nor within three miles Northward or Eastward of the shore between Cape Island and Spillars High Rock in the vicinity of Cape Bonavista.

(2) Revoked July 9, 1948.

**Newfoundland—A. The Department of Natural Resources Acts—*con.***

(3) No person shall set any cod-trap or part thereof or any cod-net on the fishing grounds of Gull Island nor any of the local fishing grounds in Northwardly or Eastwardly direction of Gull Island.

(4) In the territorial waters of Newfoundland, within a line bearing East North East of Anchor Brook Point thence running in a straight Southerly direction to pass two miles outside Cat Harbour Island, to meet a line in an East North East direction from the Northern Bill Rock, no person shall:

- (a) jig or attempt to jig codfish before the 20th day of May in any year.
- (b) use a cod-jigger for the purpose of catching codfish after the first cod-trap has been set.
- (c) set a cod-trap or any fishing gear of any description either inside the said limits or boundaries or their extension within the territorial waters of Newfoundland before the 1st day of May in any year and no cod-trap or fishing gear shall be set after the 1st day of May until the first sign of codfish is procured.

*Lumsden North*

55. (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Lumsden North in the district of Bonavista from Anchor Brook Point on the north to the South Point of Inner Cat Island on the south, both inclusive, (hereinafter called the Lumsden North area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Lumsden North area and no other person shall be entitled to elect the cod-trap Committee for the Lumsden North area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Lumsden North area shall be included in the berths drawn for in that area:—

1. Inside Toe Nails.
2. Outside Toe Nails.
3. Claws.
4. South Point.
5. West Point.
6. Sandy Point.
7. Deep Water.
8. Round Rock.
9. Back of Point.
10. Gull Rock.
11. Golden Rock.
12. South Sister.
13. Saddle Rock.
14. North Golden.
15. North Ham.
16. Gull Rock Cove.
17. Hatcher's Reef.
18. Mad Moll Shore.
19. Joe's Rock.
20. South East Golden.
21. Hencock.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

- 22. Folletts Rock.
- 23. South Ham.
- 24. Admiral.
- 25. Found.

(4) Any person who has drawn a cod-trap berth in the Lumsden North area shall set his cod-trap on or before the 1st day of July in any season.

*Fogo District*

56. (1) In the district of Fogo no person shall set any cod-traps, moorings, cod-net or cod-trawl in the territorial waters of Newfoundland between Wild Cove Point, Shoal Bay, westwardly to Hare Bay Head, Fogo, before noon on the 20th day of May in any year. All cod-nets and cod-trawls must be removed from the above mentioned waters not later than the 20th day of August in each year.

- (2) (a) Two poles or buoys moored to indicate the position in which it is intended a cod-trap is to be set (that is: one at the centre back mooring keg and one at the door) shall be sufficient to hold a cod-trap berth, and the space or berth so indicated shall be regarded as if a cod-trap of average size were set in the position marked by those poles or buoys.
- (b) No person shall mark with poles or buoys any more spaces than he can occupy with the number of cod-traps operated by him, and no person shall place any mark for the purpose of holding a cod-trap berth in the waters whilst his cod-trap or cod-traps are set.

(3) No person shall set a cod-trawl at any time outside a line running from Cape Fogo, thence northward with the Cape in a direct line with Copper Island until the lighthouse on Sloan's Hill becomes visible northward on Pigeon Island, thence towards Storehouse Island, until Round Head bears West.

(4) No person shall set a cod-trawl at any time on any part of the local fishing grounds on that portion of the coast between lines drawn due East from Cape Fogo and Round Head, inclusive.

(5) No person shall set a cod-net in that portion of the territorial waters of Newfoundland between Round Head and Cape Fogo before the first day of July or after the tenth day of August in any year.

(6) No person shall set a cod-net in the waters outside a line running south from Round Head to Heeman's Rock, thence in a direct line with Cape Fogo.

(7) No person shall set a cod-trap at a greater distance than seventy fathoms from the shores of Oliver's Bight, westward of a line from Oliver's Head, five hundred fathoms in the direction of Bowling's Pond Head, thence direct to Long Point.

(8) No person shall use a cod-jigger at any time on any of the fishing ground's outside of half a mile from Wild Cove Point of Shoal Bay to Hare Bay Head.

(9) No person shall use a cod-jigger or cod-trawl to the northeast of a straight line drawn from the southwest point of the southwest Storehouse Island to the northeast point of the Barracks.



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(10) No person shall set a cod-trap or mooring in the territorial waters of Newfoundland between Cape Fogo and Round Head, thence on to Wild Cove Point, Shoal Bay, before noon on the first day of June in any year.

(11) No person shall use a cod-jigger in the territorial waters of Newfoundland between Round Head and Cape Fogo (both inclusive) from the first day of July until the tenth day of October in any year.

*Twillingate District*

**57.** (1) No person shall set any cod-trawl, cod-net or mooring therefor until after the 20th day of October in any year on the following fishing grounds:

Shoal Ground, Bullock's Rock and all local grounds surrounding it;  
Rag's Ground, Fudge's Ground, Hooper's Ledge, Bread Box and all local grounds surrounding it;

Spiller's Shoal Ground, Rag's Rock, Smoker, Bill Rags, Duck Ledge, Heal Banks, Grand Banks, Inner, Middle and Offer Hatchet Rocks, Old and Young Grub, Penknife, Pennis Rock, Russel's Rock, Pascot, and all local grounds surrounding Gull Island.

(2) In the area bounded as follows, that is to say: Beginning at Gut Tickle thence in a straight line to the Western Point of Cobb's Arm, Duck Island, thence in a straight line running  $1\frac{3}{4}$  miles North by East  $\frac{3}{4}$  East, thence in a straight line running close to the West side of Bacalhao Rock  $3\frac{1}{2}$  miles Northeast 10 degrees East, thence in a straight line running West by North until Gut Tickle bears Southwest by South  $\frac{1}{2}$  West, thence in a straight line to Gut Tickle, no person shall:

- (a) set, use or keep in the water any cod-trawl between midnight on the tenth day of August and midnight on the tenth day of November in any year,
- (b) set, use or keep in the water at any time any cod-trawl except it be at right angles to the shore and in the waters not less than forty fathoms in depth;
- (c) set, use or keep in the water any cod-net except from midnight on the fifteenth day of July to midnight on the fifteenth day of August in any year.

(3) Except as hereinafter provided, no person shall set any cod-trawl in the territorial waters of Newfoundland between a line drawn East by South from South Bill Cape John and a line drawn South by West from Caplin Cove Head before the 20th day of October in any year, nor between a line drawn South by West from Caplin Cove Head and a line drawn South by West from Scrape Point, before the 20th day of September in any year: Provided that cod-trawls may be set afloat on any part of the fishing grounds from the first appearance of caplin up to August 10.

*Gilesport and Durrell's*

**57A.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Gilesport and Durrell's in the district of Twillingate from World's End Point Main Tickle to Burnt Island Tickle at end of Harbour Mouth including berths on the north end of Burnt Island (hereinafter called the Gilesport-Durrell's area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Gilesport-Durrell's area no other person shall be entitled to elect the cod-trap Committee for the

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Gilesport-Durrell's area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) No person who has drawn a cod-trap berth in the Gilesport-Durrell's area shall set his cod-trap before the 10th day of May in any year.

*Little Harbour and Purcell's Harbour*

**57B.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Little Harbour and Purcell's Harbour in the district of Twillingate, from World's End Point to Jone's Point, both inclusive, (hereinafter called the Little Harbour-Purcell's Harbour area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Little Harbour-Purcell's Harbour area and no other person shall be entitled to elect the cod-trap Committee for the Little Harbour-Purcell's Harbour area and to act upon such Committee and to draw berths and set cod-traps in said area.

*Twillingate North Island*

**57C.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Twillingate North Island in the district of Twillingate from Long Point on the North to Tickle Point on the South West and from Young's Point on the South to Long Point on the North (hereinafter called the Twillingate North Island area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Twillingate North Island area and no other persons except the cod-trap operators of Twillingate South Island, who do not reside in the Gilesport-Durrell's area and the Little Harbour-Purcell's Harbour area, which said areas are defined in the regulations approved by His Excellency the Governor in Commission on the 23rd day of October, 1943, and published in the *Newfoundland Gazette* on the 2nd day of November, 1943, shall be entitled to elect a cod-trap Committee for Twillingate North Island area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

*Tizzard's Harbour*

**58.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Tizzard's Harbour in the district of Twillingate from the lower part of Big Head to French's Point, both inclusive (hereinafter called the Tizzard's Harbour area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Tizzard's Harbour area and no other person shall be entitled to elect the cod-trap Committee for the Tizzard's Harbour area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) Any person who has drawn a cod-trap berth in the Tizzard's Harbour area shall set his cod-trap on or before the first day of July in any season.

*La Scie*

**58A.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of La Scie in the district of White Bay, from the North side of Cape Cove inside com-

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ing out, south to Sleepy Line on the north, both inclusive, (hereinafter called the La Scie area), shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the La Scie area, and no other person, shall be entitled to elect the cod-trap Committee for the La Scie area, and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the La Scie area shall be included in the berths drawn for in that area:—

*North Side Cape Cove, inside coming out:*

1. Cape Cove.
2. Cape Cove.
3. Cape Cove Archway.
4. Cape Cove.
5. Cape Cove.
6. Cape Cove.
7. Sprucey Point, Cape Cove.
8. Cape Cove, outside.

*South Side Seal Island Bight:*

9. Seal Island Bight.
10. Seal Island Bight.
11. Seal Island Bight.
12. Rock, Seal Island Bight.
13. Seal Island.
14. Three Mile Limit.
15. Black Point.
16. Black Point, outside.
17. Trap Cove.
18. Holes, Lower Berth.
19. Holes, Middle Berth.
20. Golden Cup.
21. Brandy Islands.
22. Reddits Cove Bottom.
23. Reddits Cove Point.
24. Reddits Cove Point, Upper part.
25. Little Harbour.
26. Dwyers Point.
27. Flower Garden.
28. White Point Cove.
29. White Point Cove.
30. Nails Point.
31. Black Point, Hill Graplin Cove.
32. Inside Berth.
33. Green Cove.

(4) Where a berth does not permit the use of a regulation leader of 30 fathoms the operator may use a leader approved by the Committee as suitable to the berth.

(5) Any person who has drawn a cod-trap berth in the La Scie area shall set his cod-trap on or before the 1st day of July in any season.

*Brent's Cove*

**58B.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Brent's



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Cove, in the district of White Bay, from the South Bill of Sleepy Line on the east to White Rock on the west (hereinafter called the Brent's Cove area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Brent's Cove area, and no other persons, shall be entitled to elect the cod-trap Committee for the Brent's Cove area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Brent's Cove Area shall be included in the berths drawn for in that area:—

1. Big Head.
2. Big Cove Rock.
3. John Louis.
4. Rock Cove.
5. Long Point Cove.
6. Back of Long Point.
7. West Country Cove.
8. Pulp Wood Cove.
9. Long Gulch.
10. Western Point.

(4) Any person who has drawn a cod-trap berth in the Brent's Cove area shall set his cod-trap on or before the first day of July in any season.

*L'Anse Au Meadows*

**59.** Revoked 13 December, 1946.

*St. Lunaire*

**59A.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of St. Lunaire in the district of White Bay from Back Cove to Fish Cove (hereinafter called the St. Lunaire area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the St. Lunaire area and no other person shall be entitled to elect the cod-trap Committee for the St. Lunaire area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the St. Lunaire area shall be included in the berths drawn for in that area:—

1. The Low Lands.
2. Ragged Point.
3. Southern Point.
4. Fish Cove.
5. Fish Cove Island.
6. Dog Head.
7. Golden Cup.
8. Round Gulch.
9. Bull Bar.
10. Hospital Point.

(4) Any person who has drawn a cod-trap berth in the St. Lunaire area shall set his cod-trap on or before the 1st day of July in any season.

*Griquet*

**59B.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Griquet

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in the district of White Bay from Back Cove on the South to Ballast Cove on the North, both inclusive, (hereinafter called the Griquet area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Griquet area and no other person shall be entitled to elect the cod-trap Committee for the Griquet area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Griquet area shall be included in the berths drawn for in that area:—

1. Back Cove Rock.
2. Back Cove Point.
3. White Cape Berth.
4. Herring Cove.
5. Uncle Joe's Berth.
6. Uncle Henry's Berth.
7. North West Point.
8. Griquet Island Berth.
9. Shoal Point.
10. Big Head Berth.
11. The Shoals, South.
12. The Shoals, North.
13. Fortune Point.
14. Back Cover Shoal.
15. Black Rock Gulch.
16. Long Island.
17. Ballast Cove.
18. Solomons Point.
19. Bowers Cove.
20. Tom Head Point.
21. Wild Cove Head.
22. Wild Cove Blow Hole.

(4) Any person who has drawn a cod-trap berth in the Griquet area shall set his cod-trap on or before the first day of July in any season.

**Raleigh**

**59C.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Raleigh in the district of White Bay from Shellbird Harbour Point, West, to Western Point, East, both inclusive, (hereinafter called the Raleigh area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Raleigh area and no other person shall be entitled to elect the cod-trap Committee for the Raleigh area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Raleigh area shall be included in the berths drawn for in that area:—

1. Swile Cove Point (East)
2. Swile Cove.
3. East End of Horny Head Island.
4. West End of Horny Head Island.
5. Horny Head Cove.
6. Horny Head Point.

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7. Whales Back.
8. The Brook.
9. Inside Berth to the Cape.
10. Berth North of the Cape.
11. Upper Cannon Holes.
12. Little Oven.
13. Big Head.
14. Below Black Rock.
15. Black Rock.
16. Cronie Gulch.
17. Green Cove.
18. Launch Cove.
19. Caplin Gulch to the Cape.
20. White Vein (or berth North of No. 19).
21. Berth North No. 20.
22. Island Cove.
23. Cannon Holes.
24. Gaze Point above Big Oven.
25. Above Black Rock Berth.

(4) Any person who has drawn a cod-trap berth in the Raleigh area shall set his cod-trap on or before the first day of July in any season.

*Big Brehat*

**59D.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Big Brehat, in the district of White Bay, from Lion Head on the South to Milleau Rock on the North (hereinafter called the Big Brehat area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Big Brehat area and no other person shall be entitled to elect the cod-trap Committee for the Big Brehat area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Big Brehat area shall be included in the berths drawn for in that area:—

1. The Islands.
2. White Point.
3. L'Anse au Carrie Rock.
4. Gull Cove.
5. Sam Carter's Berth.
6. Lion Head Cove.
7. George Rowe's Rock.

(4) Any person who has drawn a cod-trap berth in the Big Brehat area shall set his cod-trap on or before the 1st day of July in any season.

*North West Coast*

**60.** (1) No cod-trap or leader thereof shall be set within a distance of thirty fathoms from the foreshore in that section of Bay St. George extending from Shoal Point near Highlands to the Gravels on the North side of the said bay.

(2) No person shall set a cod-trap within a distance of 100 fathoms of Shoal Rock Point on the south side and similarly on the east side.



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**61.** (1) No person shall set a cod-trawl in the territorial waters of Newfoundland between Goose Cove and Western Head after the 10th day of August in any year.

(2) No person shall set, use or keep in the water of the fishing grounds surrounding Horse Islands in the District of White Bay, within a radius of  $1\frac{1}{2}$  miles from the nearest point of Horse Islands, any cod-trawls from midnight June 14 to midnight October 25 in any year. (O.C. August 24, 1949, P.C. 4287.)

*Labrador*

**62.** (1) No person shall set any cod-trap, leader or mooring for the purpose of securing a cod-trap berth between Blanc Sablon and Red Bay before noon on the 5th day of June in any year.

(2) No person shall set a cod-trap, leader or mooring on the coast of Labrador north of Red Bay Island at a less distance than 70 fathoms from any cod-trap, leader or mooring previously set.

(3) It shall be lawful to set a cod-trap on the opposite sides of any land or island which may intervene between two cod-traps at a less distance than 70 fathoms.

(4) No person shall set a cod-trap in Blackguard Bay, Labrador except from the mainland or islands or rocks above water inside of a line running from Long Island Head to the Northwest end of the Western Hare Island.

(5) No person shall set a cod-trap except from the land or rocks above water in the area from South Black Rock to White Rock North East and South West, and from White Rock to North Black Rock North and South.

(6) No person shall use a cod-trawl within territorial waters from Nancy's Point to East St. Modeste to Barge Bay Point inclusive.

(7) No person shall set a cod-trawl within 120 fathoms of any cod-trap previously set on the fishing grounds within three miles of the coast or islands on the coast from Cape Charles to Cape Harrison. In no case may a cod-trawl be used so as to interfere with hook and line fishermen.

*Flat Islands*

**63.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Flat Islands, in the district of Placentia West from the east point of Yardie Island going westward as far as Copper Island Rock, and extending two cables west, thence in a north-westerly direction to Red Land Head down the shore bearing east, including Red Harbour, Tides Hole, West Broad Cove, thence back to the east point of Yardie Island, bearing south by east (hereinafter called the Flat Islands area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Flat Islands area and no other person shall be entitled to elect the cod-trap Committee for the Flat Islands area, and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) Any person who has drawn a cod-trap berth in the Flat Islands area shall set his cod-trap on or before the 25th day of June in any season.

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*Little Brehat*

**64.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Little Brehat, in the district of White Bay, from Lower Milleaus on the South to Fish Cove on the North (hereinafter called the Little Brehat area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Little Brehat area and no other person shall be entitled to elect the cod-trap Committee for the Little Brehat area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Little Brehat area shall be included in the berths drawn for in that area:—

1. Tumbler Island.
2. Black Rock Cove.
3. Needles Point.
4. Wash Balls.
5. Green Cove Island.

(4) Any person who has drawn a cod-trap berth in the Little Brehat area shall set his cod-trap on or before the 1st day of July in any season.

*Islington*

**65.** (1) The codfishery prosecuted within the territorial waters of Newfoundland and adjacent to that part of the coast in the vicinity of Islington in the district of Trinity South from Western Point Rocks on the East to Long Point on the West (hereinafter called the Islington area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Islington area and no other person shall be entitled to elect the cod-trap Committee for the Islington area and to act upon such Committee and to draw berths and set cod-traps in the said area.

(3) The following berths in the Islington area shall be included in the berths drawn for in that area:—

1. Upper Island Rock.
2. Dark Hole Point.
3. Lower Island Rock.
4. Brook Cove Point Sinker.
5. Brook Cove Point.
6. Brook Cove Rocks.
7. Brook Cove Rocks Sinker.
8. Simon's Point.

(4) Any person who has drawn a cod-trap berth in the Islington area shall set his cod-trap on or before the 1st day of July in any season.

*Cook's Harbour*

**66.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Cook's Harbour, in the district of White Bay, from Back Cove Point on the north, to Swim Horse Rock on the South (hereinafter called the Cook's Harbour area), shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Cook's Harbour area and transient fishermen with established fishing rooms in the said area, and no

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other persons, shall be entitled to elect the cod-trap Committee for the Cook's Harbour area, and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Cook's Harbour area shall be included in the berths drawn for in that area:—

1. Sculpin Cove (West).
2. Sculpin Cove (East).
3. Fishing Point.
4. Cranick Cove.
5. Inside Berth, Cranick Cove.
6. Offer Tier, Opp. No. 3.
7. Offer Tier, Opp. No. 4.
8. Offer Tier, Opp. No. 5.
9. Harbour Rock Shoal.
10. Berth East of Harbour Rocks Shoal.
11. White Rock.
12. McGregors Cove.
13. Charleys Tickle.
14. North East Point Green Island.
15. Trap Hole.
16. South East Point Green Island.
17. Middle of Green Island.
18. Offer Tier, Opp. No. 17.
19. South West Point Green Island.
20. Green Island Tickle Rock.
21. Offer Tier, Opp. No. 19.
22. Berth South East of Brandy Island Point.
23. Caplin Cove.
24. Offer Tier, Opp. No. 23.
25. Offer Tier, Opp. No. 22.
26. Black Rock.
27. Swim Horse.
28. Deep Water Berth (James Fields).
29. Deep Water Berth (Garland Deckers).
30. Deep Water Berth (H. Warren & Co.).
31. Deep Water Berth (Alphaeus Elliotts).

(4) No person shall use a cod-trap leader which exceeds sixty fathoms in length, in the Cook's Harbour area.

(5) Any person who has drawn a cod-trap berth in the Cook's Harbour area shall set his cod-trap on or before the 10th day of July in any season.

*St. Carols*

**67.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of St. Carols in the district of White Bay from Raggedy Point on the West to French Point on the East, both inclusive (hereinafter called the St. Carols area), shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the St. Carols area and no other persons shall be entitled to elect the cod-trap Committee for the St. Carols area and to act upon such Committee and to draw berths and set cod-traps in such berths in the said area.



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(3) The following berths in the St. Carols area shall be included in the berths drawn for in that area:—

1. Big Cove.
2. Oil Jacket.
3. Lower Point of the Hole.
4. Western Cove Brook.

(4) Any person who has drawn a cod-trap berth in the St. Carols area shall set his cod-trap on or before the first day of July in any season.

*Goose Cove*

**68.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Goose Cove, in the district of White Bay, from Hauling Cove on the North, to White Point Cove on the South, both inclusive, (hereinafter called the Goose Cove area), shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Goose Cove area and no other persons shall be entitled to elect the cod-trap Committee for the Goose Cove area, and to act upon such Committee and to draw berths and set cod-traps in such berths in the said area.

(3) The following berths in the Goose Cove area shall be included in the berths drawn for in that area:—

1. Hauling Cove.
2. Murrins Berth.
3. Big Cove.
4. Pomley Cove.
5. High Rock.
6. Big Head.
7. Dry Rock.
8. Starks Rock.
9. Starks Head.
10. Tom Rose Stage Head.
11. White Point Cove.

(4) Any person who has drawn a cod-trap berth in the Goose Cove area shall set his cod-trap on or before the 1st day of July in any season.

*Port de Grave*

**69.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast, in the district of Port de Grave, from Red Rocks on the North to Sculpin Head on the South side of Brigus headland on the South (hereinafter called the Port de Grave area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Port de Grave area and no other persons shall be entitled to elect the cod-trap Committee for the Port de Grave area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths shall be included in the berths drawn for in the Port de Grave area:—

1. Red Rock Island, Green Point.
2. Gull Head, Green Point.
3. Hot Point.

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4. Hibb's Cove Island.
5. Blow-me-down Sand.
6. Soper's Rock, Burnt Point.
7. Black Rock, Burnt Point.
8. Long Point, Burnt Point.
9. Port Hole, Burnt Point.
10. Brigus Point South.
11. Devil's Dancing Place, Brigus.
12. Born Rocks, Brigus.
13. Sea Cat Rocks.
14. Round Rock, Green Point Island.
15. Long Point.

(4) No person shall set a cod-trap between Gull Head and Snorter's Head except in berths number 13, 14 and 15.

(5) The moorings of the cod-trap set at Round Rock shall not extend east of a line drawn north northwest from Round Rock.

(6) Any person who has drawn a cod-trap berth in the Port de Grave area shall set his cod-trap on or before the 20th day of June in any season.

*Lock's Cove*

**70.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Lock's Cove, in the district of White Bay, from Beachy Cove on the west to Caplin Cove on the east (hereinafter called the Lock's Cove area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Lock's Cove area and transient cod-trap operators with established fishing rooms in the said area and no other persons shall be entitled to elect a cod-trap Committee for the Lock's Cove area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Lock's Cove area shall be included in the berths drawn for in that area:—

1. Beachy Cove.
2. Salmon Rock.
3. Tom Carrols Berth.
4. Island Rock.
5. Eli Elliots Berth.
6. Caplin Cove.
7. Fallons Berth.

(4) Any person who has drawn a cod-trap berth in the Lock's Cove area shall set his cod-trap on or before the first day of July in any season.

*Ship Cove*

**71.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Ship Cove and Cape Onion, in the district of White Bay, from Granick Gulch on the east side of Raleigh, on the west, to the west side of Black Rock near Lanse au Meadows, on the east (hereinafter called the Ship Cove area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Ship Cove area and transient cod-trap operators with established fishing rooms in the said

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area and no other persons shall be entitled to elect a cod-trap Committee for the Ship Cove area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Ship Cove area shall be included in the berths drawn for in that area:—

1. Tucker's Cove Berth.
2. Brooks Rock.
3. West Berth.
4. John's Rock.
5. East Berth.
6. Job Berth.
7. Gut Berth.
8. Onion Berth.
9. Harbour Island Berth.
10. Big Sacred Island N.E. Berth.
11. Bell Shoals.
12. Black Rock.

(4) Any person who has drawn a cod-trap berth in the Ship Cove area shall set his cod-trap on or before the first day of July in any season, unless prevented by ice or weather or other conditions over which he has no control.

*Wild Bight*

**72.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Wild Bight, in the district of White Bay, from Cape Norman on the North to Gunning Point on the South (hereinafter called the Wild Bight area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Wild Bight area and transient cod-trap operators with established fishing rooms in the said area and no other persons shall be entitled to elect a cod-trap Committee for the Wild Bight area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Wild Bight area shall be included in the berths drawn for in that area:—

1. Trap Hole.
2. Horse Cove.
3. Russel's Hole.
4. Block Rock North Side Barr'd Island Point
5. North East Point of Barr'd Island Point.
6. South Side of Barr'd Island.
7. Big Shoal.
8. Gull Island Shoal.
9. Block Rock Shoal.
10. Trap Berth Point West Side of Seal Cove.
11. Seal Cove Point East Side of Seal Cove.

(4) Any person who has drawn a cod-trap berth in the Wild Bight area shall set his cod-trap on or before the tenth day of July in any season.

*Shoe Cove*

**73.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Shoe



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Cove, in the district of White Bay, from a line drawn East by South from the South Bill of Cape John on the North to a line drawn South by West from Caplin Cove Road on the South (hereinafter called the Shoe Cove area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Shoe Cove area and no other persons shall be entitled to elect a cod-trap Committee for the Shoe Cove area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Shoe Cove area shall be included in the berths drawn for in that area:—

1. Black Rock (Cape Cove Point).
2. Mother Burke.
3. Ragged Rock Cove.
4. Upper part of Ragged Rock Cove.
5. George Tom's Cove.
6. Black Rock (Upper part of Mansfield's Bight).
7. Brines Cove Point.
8. Otterbury Point.
9. The Rock—Mansfield's Bight.
10. Grope's East Point.
11. Cooking Cow.
12. Bluff Head.
13. Flat Point.
14. Tin Cup Cove.
15. Pigeon Cove.
16. Mad Rock Point.
17. Lance Cove.
18. Crow's Net.
19. Shag Rock.
20. Starkes Bight.
21. Yellow Fox Cove.
22. Moss Cove Rock.
23. Johnny's Cove.

(4) No person shall set a cod-trap in Mansfield's Bight between a line drawn South by West from Ragged Rocks and a line drawn North by East from Bluff Head except from the mainland.

(5) Any person who has drawn a cod-trap berth in the Shoe Cove area shall set his cod-trap on or before the 1st day of July in any season.

*Red Head Cove*

**74.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Red Head Cove, in the district of Bay de Verde, from Gull Island Point on the North to Red Head on the South (hereinafter called the Red Head Cove area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Red Head Cove area and no other persons shall be entitled to elect a cod-trap Committee for the Red Head Cove area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

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(3) The following berths in the Red Head Cove area shall be included in the berths drawn for in that area:—

1. Lawn East.
2. Lawn Centre.
3. Lawn West.
4. Butler's Rock.
5. Dewey's South.
6. Dewey's Centre.
7. Dewey's North.
8. Dewey's North West.
9. Dewey's Inside.
10. Friday's Cove Centre.
11. Patrick Murphy's Point East.
12. Patrick Murphy's Point Centre.
13. Patrick Murphy's Point West.
14. Friday's Cove Point North.
15. Friday's Cove Point South.
16. Middle Head Inside.
17. Middle Head Outside.
18. Johnny's Point.
19. Lumbership's Gulch.
20. Friday's Cove Point East.
21. Old Woman.
22. Jigging Cove—Friday's Hole.

(4) Not more than one berth which has been drawn in the first drawing shall be operated by the same crew and skipper: Provided that this paragraph shall not apply to any berths which are exchanged in accordance with Regulation 18 of these Regulations.

(5) Any person who has drawn a cod-trap berth in the Red Head Cove area shall set his cod-trap on or before the 5th day of July in any season.

(6) In the Red Head Cove area no person shall set any cod-trap or frame at a less distance than sixty fathoms from the nearest point of any cod-trap or frame previously set.

*Bay de Verde*

**75.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Bay de Verde, in the district of Bay de Verde from Red Head on the North to Bonny Point on the South (hereinafter called the Bay de Verde area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Bay de Verde area and no other persons shall be entitled to elect a cod-trap Committee for the Bay de Verde area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Bay de Verde area shall be included in the berths drawn for in that area:—

1. Barrel's Rock.
2. 65 fathoms from No. 1.
3. 65 fathoms from No. 2.
4. Nest Point.
5. Gunrock Cove.

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6. Gunrock.
7. Carey's Hole.
8. Sailing Point.
9. Stage Path.
10. Sunken Rock.
11. Gravells.
12. Stair Case.
13. Black Rock.
14. Horns Point.
15. Horns Cove.
16. Horns High Land.
17. 65 fathoms from No. 16.
18. 65 fathoms from No. 17.
19. 65 fathoms from No. 18.
20. Moldy Point.
21. White Shoal.
22. T. Moore's Berth.
23. A. Moore's Berth.
24. Ben Berth.
25. South East Point.
26. Jim Moore's Berth.
27. Jack Duffett's Rock Inside.
28. Jack Duffett's Rock Outside.
29. Jim Woodrow's Berth.
30. Andrew's Rock.
31. C. O'Neill's Berth.
32. Green Point Berth.
33. Bun Ledge Berth.
34. Ap's Berth.
35. A. Noonan's Berth.
36. D. Blundon's Cove Berth.
37. Seal Cove East.
38. Seal Cove West.
39. Lady's Path Hole.
40. Lady's Path.
41. Big Sheep Head.
42. Moses Blundon's Berth.
43. Burn Head DB.
44. Mike Noonan's Berth.
45. Mike Walsh's Berth.
46. Jim Blundon's Berth.
47. Will Noonan's Berth.
48. Jack Blundon's Berth.
49. Prayer's Rock Berth.
50. Tom Doyle's Berth.
51. Jackie's Rock Outside.
52. Jackie's Rock Inside.
53. Billie Suttons Outside.
54. Billie Suttons Inside.
55. Pippy's Rock.
56. Bonnie Rock.
57. Holloway's Rock.
58. H. Emberley.
59. Young Tom's Berth.
60. Bonny Point.



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(4) Not more than one berth which has been drawn in the first drawing shall be operated by the same crew and skipper: Provided that this paragraph shall not apply to any berths which are exchanged in accordance with Regulation 18 of these Regulations.

(5) In the Bay de Verde area no person shall set any cod-trap or frame at a less distance than 65 fathoms from the nearest point of any cod-trap or frame previously set.

(6) Any person who has drawn a cod-trap berth in the Bay de Verde area shall set his cod-trap on or before the first day of July in any season.

*Daniel's Cove*

**76.** (1) The codfishery prosecuted within the territorial waters of Newfoundland adjacent to that part of the coast in the vicinity of Daniel's Cove in the district of Bay de Verde from Breakheart Point on the North to Red Head on the South (hereinafter called the Daniel's Cove area) shall be subject to the control of a local cod-trap Committee.

(2) The cod-trap operators resident in the Daniel's Cove area and no other person shall be entitled to elect the cod-trap Committee for the Daniel's Cove area and to act upon such Committee and to draw for berths and set cod-traps in such berths in the said area.

(3) The following berths in the Daniel's Cove area shall be included in the berths drawn for in that area:—

1. Bill's Berth.
2. Big Berth.
3. Robert's Berth.
4. Jerry's Rock.
5. Skibe Island.

(4) Any person who has drawn a cod-trap berth in the Daniel's Cove area shall set his cod-trap on or before the 1st day of July in any season.

**NOTE.**—The penalty for a breach of any of the foregoing Regulations as provided by the Act 36 of 1936 entitled "An Act to amend the Department of Natural Resources Act 1934", is a fine not exceeding two hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

**3. Cod, Seal, Whale and Herring Oil Export Regulations**

**1.** It shall be unlawful to sell for export or to export any cod oil, seal oil, whale oil or herring oil, from Newfoundland except under and in accordance with the terms and conditions of an export permit to be obtained from the Newfoundland Fisheries Board in respect of each shipment of cod oil, seal oil, whale oil or herring oil to be sold for export or exported.

**2.** The said Board may issue such a permit subject to such conditions as it may deem fit for regulating the export of cod oil, seal oil, whale oil or herring oil to the several markets and, in particular, but without limiting the generality of the foregoing, such conditions may include the price at which and other terms of sale on which cod oil, seal oil, whale oil or herring oil is to be sold for export or exported and the time and place of export.

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3. In exercise of the control of the export of cod oil, seal oil, whale oil or herring oil, the said Board may refuse to issue such a permit under these regulations and may cancel such a permit previously issued under these regulations, if the holder thereof has not complied with any of the conditions subject to which such permit has been issued.

NOTE.—The penalty for a breach of any of the foregoing Regulations as provided by the Act No. 36 of 1936 entitled "An Act to amend the Department of Natural Resources Act, 1934", is a fine not exceeding two hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

**4. Regulations Regarding Export Packages for Salted Fish**

1. In these Regulations:

- (a) "fish" shall mean salted fish of any of the following kinds: codfish, haddock, hake, ling, pollock and cusk.
- (b) "packages" shall mean barrels or casks which are designed to be used or are being used as containers of fish for export.
- (c) "board" shall mean the Newfoundland Fisheries Board.
- (d) "inspector" shall mean an inspector appointed by the Newfoundland Fisheries Board.

2. Barrels made under these Regulations shall be made only in accordance with the provisions of this Regulation:

(1) Barrels used or designed to be used as containers of 2 quintals of ordinary cure fish for export shall be of the following dimensions only:

- Length of staves—29 inches.
- Thickness of Staves— $\frac{1}{2}$  inch.
- Width of staves— $3\frac{1}{2}$  inches to  $4\frac{1}{2}$  inches.
- Thickness of heading— $\frac{5}{8}$  inch.
- Width of Head—17 inches.
- Bilge circumference—Approximately 63 inches.

There shall be not less than three nor more than four pieces of wood in the head of any such barrel.

(2) Barrels used or designed to be used as containers of 2 quintals of semi-dry cure fish for export shall be of the following dimensions only:

- Length of staves—26 inches.
- Thickness of staves— $\frac{1}{2}$  inch.
- Width of staves— $3\frac{1}{2}$  inches to  $4\frac{1}{2}$  inches.
- Thickness of heading— $\frac{5}{8}$  inch.
- Width of head—19 inches.
- Bilge circumference—Approximately 67 inches.

There shall be not less than three nor more than four pieces of wood in the head of any such barrel.

(3) Barrels used or designed to be used as containers of 2 quintals of extra large or large and medium semi-dry cure fish for export shall be of the following dimensions only:

- Length of staves—20 inches.
- Thickness of staves— $\frac{1}{2}$  inch.
- Width of staves— $3\frac{1}{2}$  inches to  $4\frac{1}{2}$  inches.

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Thickness of heading— $\frac{3}{4}$  inch.

Width of head—24 inches.

Bilge circumference—Approximately 80 inches.

There shall be not more than five pieces of wood in the head or bottom of any such barrel.

(4) There shall be two sound stout hoops on each end and two on each quarter of every such barrel.

**3.** Casks made under these Regulations shall be made only in accordance with the provisions of this Regulation:

(1) Casks used or designed to be used as containers of 4 quintals of extra large or large and medium hard cure fish for export or 5 quintals of extra large or large and medium ordinary cure fish for export shall be of the following dimensions only:

Length of staves—32 inches.

Thickness of staves— $\frac{1}{2}$  inch.

Width of staves— $3\frac{1}{2}$  inches to  $4\frac{1}{2}$  inches.

Thickness of heading— $\frac{3}{4}$  inch.

Width of head—27 inches.

Bilge circumference—Approximately 93 inches.

There shall be not more than five pieces of wood in the head and not more than six pieces of wood in the bottom of any such cask. There shall be three sound stout hoops on each end and two sound stout hoops on each quarter of every such cask. The total width of the three end hoops shall be not less than  $2\frac{3}{4}$  inches and the two quarter hoops not less than  $1\frac{3}{4}$  inches. The lower edge of the under quarter hoop shall be 8 inches from the end of the cask when firmly driven into place.

(2) Casks used or designed to be used as containers of 4 quintals of small or tomcods hard cure fish for export or 5 quintals of small ordinary cure fish for export shall be of the following dimensions only:

Length of staves—38 inches.

Thickness of staves— $\frac{1}{2}$  inch.

Width of staves— $3\frac{1}{2}$  inches to  $4\frac{1}{2}$  inches.

Thickness of heading— $\frac{3}{4}$  inch.

Width of head—24 inches.

Bilge circumference—Approximately 87 inches.

There shall be not more than five pieces of wood in the head or bottom of any such cask. There shall be three sound stout hoops on each end and two sound stout hoops on each quarter of every such cask. The total width of the three end hoops shall be not less than  $2\frac{3}{4}$  inches and the two quarter hoops not less than  $1\frac{3}{4}$  inches. The lower edge of the under quarter hoop shall be 11 inches from the end of the cask when firmly driven into place.

(3) Casks used or designed to be used as containers of 4 quintals of saltbuck fish for export shall be of the following dimensions only:

Length of staves—28 inches.

Thickness of staves— $\frac{1}{2}$  inch.

Width of staves— $3\frac{1}{2}$  inches to  $4\frac{1}{2}$  inches.

Thickness of heading— $\frac{3}{4}$  inch.

Width of head—24 inches.

Bilge circumference—Approximately 85 inches.



**Newfoundland—A. The Department of Natural Resources Acts—con.**

There shall be not more than five pieces of wood in the head or bottom of any such cask. There shall be three sound stout hoops on each end and two sound stout hoops on each quarter of every such cask. The total width of the three end hoops shall be not less than  $2\frac{3}{4}$  inches and the two quarter hoops not less than  $1\frac{3}{4}$  inches. The lower edge of the under quarter hoop shall be 8 inches from the end of the cask when firmly driven into place.

4. Every package referred to in Regulation 2 and in Regulation 3, as amended, of these Regulations shall be strapped with wooden cross-pieces securely fastened with nails of one and a half inches long to each piece making up the head and bottom of such package. Such cross-pieces shall be not less than three and a half inches wide and not less than half an inch thick and shall be bevelled at each end so as to fit under the lining hoop of the head and bottom: Provided that where stock from cross-pieces of these dimensions may be made is not obtainable it shall be lawful to use cross-pieces which are not less than three inches wide and not less than three-quarters of an inch thick.

5. Hoops shall be of hard wood, locked securely with at least two nails in each lap and secured firmly with steam tarred cooper's yarn and shall be perfectly fitted and firmly driven into place on all packages. Hoop laps shall be put in line on one quarter of the package.

6. The staves and heading of every package shall be made of well seasoned wood of good quality. Logs to be used for the staves and heading of packages shall not be allowed to remain in water longer than twenty days during the first half of the year nor longer than ten days during the second half of the year before being cut into staves and heading.

7. During construction every package shall be well fired so that the staves may be bent to the required extent and properly trussed, and no cracked, broken or patched staves shall be used in the construction of any packages.

8. The heads and bottoms of all packages shall be made from smoothly sawn wood.

*Licensing of Makers*

9. The Board upon application made in writing by any person for a licence to make packages in accordance with these Regulations may issue a licence to such person.

10. (1) Every such licence shall be valid only for the making of packages in the premises for which it is issued which shall be stated in the said licence.

(2) Every such licence shall be valid only for the period in respect of which the said licence is issued.

(3) Every such licence shall be numbered and in case of a licence issued to a maker who has previously been the holder of a licence under these Regulations the number of the licence issued to him shall be the same as that upon the licence previously issued to him.

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**11.** No licence shall be issued by the Board under these Regulations unless the premises and equipment of the applicant have first been approved by an inspector.

**12.** The Board shall be entitled to require a payment of a fee of two dollars (\$2.00) before the issue of a licence under these Regulations and to require that the application for such a licence be made upon a form to be supplied by the Board.

**13.** The Board may without assigning any reason therefor refuse a licence to any person to make packages under these Regulations and, by order in writing, may cancel or may suspend for a period or without limit of time, a licence which has been issued under these Regulations if from its own knowledge or from the report of an inspector it is of the opinion that the licensee is not a proper person to hold a licence under these Regulations or that his premises have become unsuitable to the making of packages in accordance with these Regulations, and upon cancellation or suspension the licence holder shall return his licence to the Board.

**14.** If any interested person is dissatisfied with a decision of the Board under the immediately preceding Regulation he may appeal therefrom to the Governor in Commission who after such investigation (if any) as he may deem proper may without assigning any reason therefor uphold, reverse or vary the decision of the Board, and from the decision of the Governor in Commission there shall be no appeal.

**15.** It shall be the duty of inspectors:

(1) (a) to inspect at their discretion either at the premises of the maker or while they are in actual use packages which purport to have been made and marketed in accordance with these Regulations.

(b) to condemn any packages so inspected if they do not conform to these Regulations and any packages condemned by an inspector shall be broken down if he so directs.

(2) To inspect the premises and equipment of applicants for a licence under these Regulations in respect of which an application is made for such a licence before such licence is issued and thereafter from time to time if the Board deems it necessary.

**16.** In the case of dispute between an inspector and the maker, owner or other person having the custody or control of any package with respect to its quality, size, condition or marks, such maker, owner or other person may make application in writing to the Board for re-inspection and such re-inspection if authorized shall be final and conclusive as to such package but re-inspection shall not be authorized by the Board unless it is proved to its satisfaction by such applicant that the identity of such package has been carefully preserved.

**17.** Every application for re-inspection under the provisions of Regulation 16 of these regulations shall be subject to a condition on the part of the applicant that the travelling and other expenses necessarily incurred by the Inspector making such re-inspection shall be paid by the applicant in every case where the application is not allowed.

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**18.** (1) Every holder of a licence issued and valid under these Regulations shall stencil on all packages made by him, in accordance with these Regulations, the design of a fish and the number of his licence in the form as shown in the Schedule hereto.

(2) Upon application for a licence to manufacture packages under these Regulations, the applicant shall, if he receives such a licence, be furnished by the Board with such stencil as is necessary for the purpose of paragraph 1 of this Regulation on payment of the cost thereof to the Board and no stencil other than that received from the Board shall be used for such purposes.

*General*

**19.** No person shall make any packages unless he is the holder of a licence issued and valid under these Regulations.

**20.** The holder of a licence shall at all times keep the said licence prominently displayed in the factory or premises in respect of which the licence was issued.

**21.** No person shall sell, buy, use or ship any packages unless they have been made and marked in accordance with these Regulations.

**22.** No person shall, without the permission of the Board, export fish in any package unless such package:

- (a) is of the dimensions,
- (b) is made and marked, and
- (c) contains the quantity and quality of fish as required by these Regulations.

**23.** No person shall sell, buy, use or ship or export fish from Newfoundland in any packages which have been condemned by an inspector under these Regulations.

**24.** No person shall alter, destroy or falsify any marks or numbers stencilled on any packages in accordance with these Regulations.

**25.** No person other than the holder of a licence issued and valid under these Regulations, his servant or agent, shall stencil on any package whether made in accordance with these Regulations or not the design shown in the Schedule hereto and the number of his licence.

**25A.** Wherever it appears expedient to it, the Board may permit the export of fish in packages other than those required by these Regulations.

**26.** The Regulations regarding export packages for salt fish approved by His Excellency the Governor in Commission on the 19th day of May, 1942, are hereby repealed.

**27.** The Regulations regarding the packing of salt fish for export published in the *Newfoundland Gazette* of the 12th of October, 1943, and the 13th of June, 1944, are hereby repealed.

**28.** These Regulations shall come into full force and effect at midnight on the 31st day of August, 1946.



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**SCHEDULE**

The form in which the design referred to in Regulation 18 (1) and the licence number of a holder are to be stencilled on each package made by him in accordance with the foregoing Regulations shall be as herein shown.



(LICENCE No.            )

*Note.*—The penalty for a breach of any of the foregoing Regulations as provided by the Act No. 36 of 1936 entitled “An Act to Amend the Department of Natural Resources Act, 1934” is a fine not exceeding two hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

**5. Lobster Fishery and Packing Regulations**

**1.** No person shall take any lobster from nor set any lobster trap in the waters adjacent to the coast of Newfoundland comprising that section of the west coast from Cape Ray to Cape Gregory before the 10th day of April nor after the 5th day of July in any year.

**2.** No person shall take any lobster from nor set any lobster trap in the waters adjacent to the coast of Newfoundland comprising that section of the west coast between Cape Gregory and Flower's Cove before the 10th day of April nor after the 10th day of July in any year.

**3.** No person shall take any lobster from nor set any lobster trap in the waters adjacent to the coast of Newfoundland comprising that section from Flower's Cove on the west coast to Cape Bauld nor from the waters adjacent to the coast of Newfoundland comprising that section being the east coast from Cape Bauld to Cape Race before the 10th day of April nor after the 15th day of July in any year.

**4.** No person shall take any lobster from nor set any lobster trap in the waters adjacent to the coast of Newfoundland comprising that section being the south coast between Cape Race and Cape Ray before the 10th day of April nor after the 30th day of June in any year.

**4A.** The Newfoundland Fisheries Board may, by order published in the *Newfoundland Gazette* and in one other newspaper published in Newfoundland, prohibit the taking of any lobster from or the setting of any lobster trap or gear in such area or areas within the territorial waters of Newfoundland as are defined in such order.

(On the 2nd day of May, 1942, the Newfoundland Fisheries Board made the following order, under the powers conferred upon them by the foregoing regulation.

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No person shall take any lobster from, nor set any lobster trap or gear in the waters of the area inside a line from the Western Head of Shark Cove, near the Church of England cemetery, on the South West side of Channel, to Snook's Harbour Head, on the South East side of Port aux Basques).

5. No person shall take any lobster from nor set any lobster trap in the waters adjacent to the coast of Newfoundland in Placentia Bay within the following areas: Little Placentia, inside a line drawn from Virgin's Point to North Bill of Isaac's, and Ship Harbour, inside a line drawn from Dick George Head to Sparrow Point, before the 1st day of June nor after the 30th day of June in any year.

6. Every person having set out any lobster trap in the waters adjacent to the coast of Newfoundland shall take up and remove the same and all moorings therefor not later than the third day after the last day permitted under regulations for the time being in force for the taking of lobsters in the waters wherein the trap is set.

7. No person shall take, kill, can, buy, sell, export or have in his possession any female lobster carrying spawn or any female lobster from which the spawn has been washed or removed in whole or in part. The presence of sheets of cement or egg glue on the long hairs of the swimmerets of a female lobster shall establish the fact that it is a lobster from which the spawn has been washed or removed within the meaning of this regulation.

8. If any person finds in his trap a female lobster carrying spawn or washed lobster he shall immediately return it to the sea.

9. If any person has impounded a female lobster which subsequent to impounding becomes berried, he shall remove it from the pound and return it to the sea immediately.

10. No person shall keep impounded for longer than forty-eight hours any lobster intended for canning except in a pound approved by the Newfoundland Fisheries Board or by some person authorized by the Board in that behalf.

11. No person shall take, kill, buy, sell or offer to buy or sell, or have in his possession for a period longer than is necessary for measuring or for any purpose other than legally disposing of the same, a lobster measuring less than three and one-eighth inches in length, alive or dead, cooked or uncooked, measured from the rear of either eye socket, along a line parallel to the centre line of the body shell to the rear end of the body shell. Any such lobster that may be taken shall be returned forthwith alive and uninjured to the waters from which it was taken.

12. (1) No person shall spear, hook, or use handtraps for catching lobsters.

(2) No lobster trap shall be used, the two undermost laths on each side of which are less than one and three quarter inches apart.

13. (1) Lobster traps or any other lobster fishing gear left in the water after the end of the fishing season provided for in these regulations and lobster traps or other lobster fishing gear which do not comply with these regulations and which are found in the water at any time shall be deemed to be used for purposes of illegal fishing and may be seized and held by an

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inspector and the Stipendiary Magistrate before whom any action is taken in connection with the traps or gear so seized and held, may, in addition to imposing any penalty provided by these regulations, declare such traps and gear to be confiscated to the Crown.

(2) If the owner of any traps or gear seized and held under paragraph (1) of this regulation is not known or cannot be found such traps and gear shall be deemed confiscated to the Crown at the expiration of sixty days from the seizure thereof.

14. Every person who carries live lobsters in a boat shall ensure that the lobsters are kept free from bilge water, oil, gasoline and other harmful matter.

15. No decayed bait shall be placed by any person in a trap used for the catching of lobsters.

*Licensing of Exporters*

16. The Newfoundland Fisheries Board may upon application made in writing by any person issue to such person a licence to export lobsters.

17. Every licence issued hereunder shall be valid only until the thirty-first day of December of the year for which it is issued.

18. No person shall export lobsters except he be the holder of a licence issued and valid under these regulations. Provided, however, that this regulation shall not apply in respect of lobster which has been canned and otherwise preserved by any person with a licence to pack lobster issued under No. 21 of these regulations.

19. Every holder of a licence shall make a return in writing to the Newfoundland Fisheries Board upon a form to be provided by the said Board, not later than the tenth day of January next following the expiration of his licence setting out such information as may be required by the said form with respect to the previous year's operations.

20. The Newfoundland Fisheries Board shall be entitled to require payment of a fee of \$2.00 before the issue of any licence to export lobsters hereunder and to require that application be made upon a form to be supplied by the Board.

*Licensing of Packers*

21. The Newfoundland Fisheries Board upon application made in writing by any person for a licence to pack lobster upon any premises may issue a licence for the packing of lobster to such applicant upon the said premises.

22. (1) Every such licence shall be valid only for the packing of lobsters upon the premises for which it is issued which shall be stated in the said licence.

(2) Every such licence shall be valid only for the calendar year in respect of which the licence is issued.

(3) Licences shall be numbered and in the case of a licence issued to a packer who has previously been the holder of a licence under these regulations the number of the licence issued to him shall be the same as that upon the licence previously issued.



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**23.** No person shall can or otherwise preserve lobsters at any place in Newfoundland unless he is the holder of a licence to pack lobsters issued and valid under these regulations; provided that this regulation shall not apply to any person who shall can or otherwise preserve lobster for consumption by himself or members of his household or otherwise for purposes not being sale, export, or other commercial transaction.

**24.** Every licence holder shall at the end of the season for the catching of lobster in the district wherein his factory is situated and not later than ten days after the closing of his factory send a return to the Newfoundland Fisheries Board on a form to be provided by the said Board setting out such information as may be required by the said form, with respect to the season's operations.

**25.** The Newfoundland Fisheries Board shall be entitled to require payment of a fee of \$2.00 before the issue of any licence to pack lobster, and to require that application be made upon a form to be supplied by the Board and that application be made not later than the last day of February in any year for a licence for that year.

*Inspection*

**26.** In these regulations inspector means any person for the time being authorized or appointed by the Newfoundland Fisheries Board as an inspector for the purposes of these regulations.

**27.** It shall be the duty of inspectors

(1) To inspect any place in respect of which application is made to be used as premises for the canning or preserving of lobster, and

(2) To inspect every place used for the canning or preserving of lobster, and the equipment used therein and to inquire into and ascertain the methods used for the canning and preserving of lobster and the sanitary precautions taken, and other matters in connection therewith, and

(3) To inspect lobsters packed in containers wherever found and all cases and containers wherein lobsters are packed or intended to be packed, and to open and examine any number of cans and other containers of lobsters out of any quantity in any factory or in any place for sale or export, in order to ascertain the quality thereof.

**28.** The Newfoundland Fisheries Board may refuse to grant a licence to pack lobster when an inspector reports that the premises to be used for the packing of lobsters are unsuitable for that purpose as defined herein.

Any place shall be deemed unsuitable for the packing of lobster if it fails to comply with the following requirements:

- (a) The building must be self-contained and of adequate size, or otherwise approved by the Newfoundland Fisheries Board. The walls and ceiling must be thoroughly clean and white-washed or otherwise made suitable. All windows and doors and other openings must be screened with wire and muslin. The building must also be properly ventilated.
- (b) The grounds surrounding the premises to the extent of twenty-five yards in every direction from the proposed factory shall be clean and free from objectionable matter.

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- (c) All floors must be such as can be readily kept clean. If the factory is built above high water mark, the floors must also be watertight.
- (d) All factories must have a plentiful supply of clean water, either fresh or salt.
- (e) The cooking and bath boilers must be under cover.
- (f) The proposed factory must be supplied with the following equipment of an adequate kind:—

(1) A sufficient number of galvanized iron or other approved metal boilers; there being at least two, one for cooking lobsters and the other for bathing the cans.

(2) One clock and one weighing machine in good order.

(3) Three suitable tables—one for cracking, one for dressing and one for packing—not less than 1" thick.

(4) Three lathed draining trays.

(5) Two washing tubs, vats, bins or barrels.

(6) Three other small receptacles, e.g. galvanized buckets or pails.

(7) Pans, soap, brushes, towels and other necessary equipment.

**29.** The Newfoundland Fisheries Board may by order in writing suspend the licence of any licence holder whose factory does not continue to comply with the requirements set out in the foregoing section or which is not kept clean, and such suspension shall continue in effect until the Board shall be satisfied that the defects have been remedied.

**30.** The Newfoundland Fisheries Board may by order in writing suspend a licence which has been issued to pack lobster if an inspector reports that the methods of packing lobster in the licensed factory are not proper methods and such suspension shall continue in effect until the Board shall be satisfied that proper methods have been adopted.

The following shall be considered the proper method of packing lobster and no other method shall be deemed a proper method unless it is equally sanitary and effective for the best preservation of lobster:

- (1) (a) All lobsters intended for packing are to be graded in size before being boiled. Lobsters under ten inches in size must be boiled for not less than fifteen minutes, and those of ten inches and over for not less than twenty minutes.
- (b) After the meat is removed from the shell, it is to be washed thoroughly with clean water, and all traces of clotted blood must be removed.
- (c) All meat is to be thoroughly drained before being packed.
- (d) All meat is to be packed within two hours after being taken from the shell.
- (e) Meat that has been packed into cans and left overnight without being sterilized is to be destroyed.
- (f) Dead lobsters are not to be boiled and discoloured meat is not to be packed.

(2) No person shall pack lobsters in sealed containers unless they are sterilized in accordance with the following regulations.

*A. Sterilization process where steam retorts are not in use:—*

- (a) 12 oz. cans and 6 oz. cans shall not be heated or sterilized in the same boiler at the same time.

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- (b) After being sealed, the cans are to be completely immersed in vigorously boiling water for a period of not less than ninety minutes in the case of 12 oz. cans and not less than seventy minutes in the case of 6 oz. cans. The water used for cooking lobsters is not to be used for the sterilization process.
- (c) On removal from the water, the cans are to be punctured while hot to allow compressed air and vapour to escape. No can is to be punctured more than once.
- (d) The hole is then to be soldered neatly while the can is still very hot.
- (e) The cans are to be completely immersed again in vigorously boiling water for a period of not less than ninety minutes in the case of 12 oz. cans and not less than seventy minutes in the case of 6 oz. cans.
- (f) The cans are to be cooled rapidly with cold water.
- (g) All cans are to be dried thoroughly before storing.

*B. Sterilization process where steam retorts are in use:—*

- (a) 12 oz. and 6 oz. cans shall not be exhausted or sterilized in the same exhaust box or retort at the same time.
- (b) Either proceed as in the three rules (b), (c), and (d) of paragraph (2) immediately preceding, or place the cans with loose lids in a simple exhaust box through which the steam is passed for a period of fifteen minutes, following up this process by sealing the cans while hot.
- (c) The cans are then to be placed in a retort and sterilized at a steam pressure of not less than ten pounds per square inch for a period of ninety minutes in the case of 12 oz. cans and sixty minutes in the case of 6 oz. cans.
- (d) The cans are to be cooled rapidly with cold water.
- (e) All cans are to be dried thoroughly before storing.

(3) If within six hours of the completion of the packing process defective cans are detected, the meat may be removed immediately and repacked in another can, provided that it is reprocessed as prescribed above. If defective cans are discovered more than six hours after the completion of the packing process, but before they have left the factory, such cans should not be reprocessed, but must be destroyed immediately by the licensee.

**31.** (1) If an inspector at any time finds any lobster in any container or otherwise in any factory or elsewhere which appears to him to be unwholesome or of inferior grade or to have been packed in a defective container or finds any defective container used or intended to be used for the packing of lobster he may declare to the owner thereof, or to the person in whose possession the same may be, his intention of seizing and carrying away the same himself, or by assistants, to be destroyed.

(2) The owner or any person in whose possession the same may be, may then and there object to the said proposed destruction and declare to the inspector in writing his desire to have the matter referred to a Stipendiary Magistrate.

(3) Upon such a declaration by the owner or person in possession the inspector may seize the lobster claimed to be unwholesome or inferior with its containers, and all defective containers, and any other containers of



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lobster which may reasonably be suspected to be of like unwholesome or inferior quality and take the same forthwith before a Stipendiary Magistrate who shall summarily and without any formal procedure, after having offered the owner or person in possession an opportunity of being present, view the said lobster or the containers thereof, and any defective containers seized and may require any further examination he shall think necessary, and shall either confirm the decision of the inspector in which case the lobster and containers seized shall be destroyed or disposed of as the Magistrate may direct, or he may reverse the decision of the inspector in which case the person from whom the seizure was made may forthwith resume possession of the goods seized.

(4) If the owner or person in possession does not declare in writing his desire to have the matter referred to a Magistrate, the inspector may seize and carry away any or all of such goods himself, or by assistants, and, without any reference to a Magistrate, order them to be destroyed.

**32.** If after being requested to do so by an inspector any person who has in his possession or under his control any canned or preserved lobster or who is the holder of a licence to pack lobster refuses or omits

- (a) to show the inspector the place in which lobster is stored;
- (b) to admit the inspector into the premises licensed to pack lobster;
- (c) to show the inspector all equipment in such factory and the methods used in such factory;

he shall be guilty of an offence against these regulations.

**33.** When a licence is suspended it shall be invalidated for the period of suspension and the licence holder shall return his licence to the Newfoundland Fisheries Board. The Newfoundland Fisheries Board shall restore the licence upon being satisfied that the cause of suspension has ceased during the packing season.

**34.** If any person is dissatisfied with the decision of the Board in suspending a licence or in refusing to restore during the packing season a licence suspended he may apply by way of appeal to a Stipendiary Magistrate who shall after a summary investigation either confirm or reverse the finding of the Board as to whether sufficient cause exists for the refusal to restore a licence or for the suspension of a licence.

**35.** Before suspending a licence the Board shall give to the licence holder fourteen days' notice of its intention and suspension shall not have effect until the expiry of the said fourteen days.

**36.** Where notice of suspension has been given to a licensee a Stipendiary Magistrate may, on the application of an inspector, make an interim order that the licensee cease to sell, export or otherwise dispose of any lobster packed by him pending the hearing by way of appeal and upon each contravention of such order the licensee shall be guilty of an offence against the regulations.

**37.** Licences shall not be suspended for casual or minor or accidental departure from a proper method of manufacture.

*General*

**38.** The Newfoundland Fisheries Board shall supply to every licence holder upon payment of the cost price thereof an embossing machine and every packer shall by means of the machine supplied to him emboss upon every container in which lobster is packed the number of his licence.

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In the case of lobster packed in cans the number shall be embossed upon the cover of each can; in the case of glass containers the number shall be embossed on genuine parchment paper and such paper enclosed on the top of the contents and under the cover.

**39.** No person shall sell or purchase in Newfoundland or export any canned or otherwise preserved lobster unless every can or glass container has the packer's licence number embossed upon it as prescribed above.

**40.** No licence holder shall allow the embossing machine supplied to him to be used except to emboss cans packed by or under him in the factory in respect of which his licence is issued.

**41.** No person shall export lobster packed in cans in Newfoundland unless the word "Newfoundland" is embossed upon each can nor in any other container unless the word "Newfoundland" appears on each container.

**42.** No person shall export lobster in any case or package containing cans not of the same licence number nor unless there is stencilled thereon a number corresponding to the licence number on the cans or other containers therein contained; provided that a case or package containing cans from various factories may be exported if such case or package has stencilled upon it the words "Sundry Packers" and the licence numbers of the several packers.

**43.** No person shall pack lobster in cans unless they are lacquered, of the sanitary type, and of standard size.

**44.** No person shall pack lobster in cans unless lined with genuine parchment paper.

**45.** No person shall pack lobster for sale or export or other commercial use in cans unless the cans shall be of size to contain and shall contain three ounces or six ounces or twelve ounces of finally processed lobster meat.

**46.** The holder of a licence to pack lobsters shall at all times keep the said licence prominently displayed in the licensee's premises and shall upon request produce the same for the inspection of any inspector or of any Justice of the Peace, Fishery Inspector, Sub-Collector, Preventive Officer, Constable or Ranger.

**47.** The holder of every licence shall upon request by any inspector open cases, packages, or other covering in which cans or containers of lobster are packed.

**48.** Any buyer of canned lobster purchasing for resale who finds in his purchase of canned lobster any defective cans shall notify the Newfoundland Fisheries Board of the quality and licence number of the same, and shall hold the same until they shall have been examined, and the defects certified by an inspector who shall destroy the contents thereof.

**49.** All rules and regulations heretofore made with reference to the catching of lobster or the packing of lobster or otherwise with reference to the lobster fishery or lobster industry under the provisions of the Department of Natural Resources Act 1934, or Cap. 11 of the Consolidated

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Statutes (Third Series) "Of the Department of Marine and Fisheries," or the Act 22 Geo. V Cap. 22, or "The Department of Lands and Fisheries Act 1932" or "The Marine and Fisheries Act 1932" and Acts in amendment thereof are hereby repealed.

NOTE.—The Penalty for a breach of any of the foregoing regulations as provided by the Act No. 36 of 1936 entitled "An Act to amend the Department of Natural Resources Act, 1934", is a fine not exceeding two hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

**5a.—Order *re* Lobster Fishery Prohibited Area**

*Public Notice*

Under and by virtue of the Provisions of Regulation 4A of the Regulations with reference to the Lobster Fishery and Packing of Lobsters, which Regulation was made on the 21st day of April, A.D. 1942, and published in the *Newfoundland Gazette* on the 21st day of April, 1942, the Newfoundland Fisheries Board has made the following order.

Dated this 2nd day of May, A.D. 1942.

K. F. OSMOND,  
*Acting Secretary,*  
*Newfoundland Fisheries Board.*

*Order*

No person shall take any lobster from or set any lobster trap or gear in the waters of the area inside a line from the Western Head of Shark Cove near the Church of England Cemetery on the South West side of Channel to Snook's Harbour Head on the South East side of Port aux Basques.

**6. Processed Fish (Licensing) Regulations, 1944**

**1.** In these Regulations, unless the context otherwise requires—

- (a) "Board" means the Newfoundland Fisheries Board.
- (b) "Commissioner" means the Commissioner for Natural Resources.
- (c) "fish" means all kinds of marine fishes, including shell-fish.
- (d) "person" shall include any body of persons, corporate or unincorporate and any society or association.
- (e) "process" with its grammatical variations as applied to fish means the preservation of fish for human consumption by chilling, freezing, smoking or any other form or method of curing or preservation except canning, salting only or salting and drying and shall include the evisceration, cleaning, heading, filleting or (in the case of shell-fish) removal of the shell, preparatory to such preservation.

**2.** No person shall process or attempt to process fish in Newfoundland or in the territorial waters of Newfoundland without first having obtained a licence from the Board in accordance with these Regulations: provided that this Regulation shall not apply to the processing of fish by any person for consumption by himself or members of his household or otherwise for purposes not being sale, export or other commercial transaction.



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3. Every application for a licence under the provisions of these Regulations shall be made to the Board upon such form as the Board may from time to time prescribe and shall state—

- (a) the areas in which the fishing operations of the applicant are to be carried on;
- (b) the intended fishing operations, if any, including types of boats to be used therein;
- (c) the location of the plant or factory and its capacity for processing and storage;
- (d) the description, including plans and specifications, of the plant or factory to be used;
- (e) the products intended to be processed; and
- (f) the types of process to be carried on:

Provided however, that any applicant may be required to furnish such further information to the Board as it may require.

4. (1) On application by any person made in the manner set out in Regulation 3 hereof, the Board may, subject to the provisions of these Regulations and upon obtaining in every case the prior approval of the Commissioner, grant a licence to such applicant to process fish in Newfoundland or in the territorial waters of Newfoundland.

(2) A licence issued under the provisions of these Regulations, unless previously revoked or suspended under the provisions thereof shall continue in force for such period as may be stated in the licence not exceeding fifteen years from the day specified in the licence as the day on which it takes effect.

(3) The Board may, in its discretion, renew a licence issued under these Regulations: provided that the holder of such licence shall give notice in writing to the Board at least two months before the expiration of his licence of his intention to apply for renewal.

(4) A renewal of a licence shall, unless sooner revoked or suspended under these Regulations, continue in force for such period as may be stated in the renewal of licence, not exceeding fifteen years from the day specified in the renewal as the day on which it takes effect.

(5) Every licence and renewal of licence issued under these Regulations may be subject to such conditions, as the Board with the approval of the Governor in Commission may from time to time prescribe.

(6) The Board may revoke or suspend a licence or a renewal of a licence issued under this Regulation for any breach of the provisions of these Regulations or for any breach of the conditions of such licence or renewal of licence.

(7) The holder of a licence which has been revoked or suspended under the provisions of these Regulations and an applicant for a renewal of licence whose application has been refused may, within one month thereafter, appeal against such revocation, suspension or refusal to the Commissioner who shall thereupon either confirm or nullify such revocation, suspension or refusal and an applicant for a licence whose application has been refused, may, within one month thereafter, apply to the Commissioner for a review of his application and the Commissioner shall thereupon either confirm or nullify such refusal.

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5. Every licence and renewal of licence issued under these Regulations shall define and limit the location of the plant or factory in which the processing operations of the licensee shall be carried on; and any licensee processing outside the location, for which he is licensed, shall be guilty of an offence against these Regulations.

6. If any condition attached to a licence, or any renewal thereof, is contravened or not complied with, the licensee shall be guilty of an offence against these Regulations.

7. If, for the purpose of obtaining a licence under the provisions of these Regulations, any person makes any statement or furnishes any document or information which to his knowledge is false in any material particular he shall be guilty of an offence against these Regulations.

8. The Board may, if it thinks fit, revoke the licence of any person convicted of a breach of these Regulations.

9. These Regulations may be cited as the Processed Fish (Licensing) Regulations, 1944.

NOTE.—For penalties for a breach of any of the above Regulations see The Department of Natural Resources Acts, 1934-44, Section 9, as enacted by the Act No. 36 of 1939.

**6a.—Conditions of Issue of Licences**

Under and by virtue of the provisions of Paragraph 5 of Regulation 4 of the Processed Fish (Licensing) Regulations 1944, the following conditions (to which licences and renewals of licences issued under the said Regulations shall be subject) prescribed by the Newfoundland Fisheries Board have this day been approved by His Excellency the Governor in Commission.

Dated at St. John's this 20th day of June, 1947.

W. J. CAREW,  
*Secretary, Commission of Government.*

*Conditions*

1. All wooden boxes used for collecting conveying or storing fish intended for filletting or fillets intended for freezing shall be manufactured from dressed lumber, painted on the inside with a non-lead paint or other satisfactory coating and kept thoroughly clean at all times.

2. All premises used in the filletting or freezing of fish shall have adequate toilet facilities of a sanitary type.

3. All premises used in the filletting or freezing of fish shall have an adequate number of sanitary wash basins supplied with fresh warm water, liquid or powdered soap and paper towels.

4. Signs requiring employees handling fish to wash their hands after each absence from post of duty shall be conspicuously posted about the premises.

5. No children under eight years of age shall be allowed inside any premises used in the filletting or freezing of fish.

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6. No animals shall be allowed inside any premises used in the filletting or freezing of fish.

7. The inside bottom of all boats carrying fish intended for filletting shall be fitted with flooring in such a manner as to keep the fish from bilge water and other offensive matter.

8. The licensee shall provide and the employees shall wear some form of clean uniform or overalls and all female employees shall wear some adequate form of head covering.

9. The licensee shall require all employees to observe proper habits of cleanliness and shall not knowingly employ in or about the premises any person infected with an infectious or contagious disease.

10. The ground surrounding the premises to the extent of twenty-five yards in every direction shall be clean and free from objectionable materials, including decomposing animal or vegetable matter, and shall not be used for the pasturing or stabling of livestock.

11. The floors of all premises used in the filleting or freezing of fish shall be tight, of material satisfactory to the Newfoundland Fisheries Board, and so arranged as to permit thorough cleaning and proper drainage.

12. The inside walls of all premises used in the filleting or freezing of fish shall be so constructed and arranged as to permit thorough cleaning.

13. All surfaces of tanks, belts, tables, flumes, utensils and other equipment with which fish comes in contact shall be of material satisfactory to the Newfoundland Fisheries Board and so arranged as to permit thorough cleaning.

14. Adequate supplies of clean unpolluted running water shall be provided for washing, cleaning and otherwise maintaining the establishment in a sanitary condition. Only water certified as satisfactory for the purpose by a Laboratory using approved methods of examination and analysis shall be used.

15. A factory shall not be considered to be in a sanitary condition unless the floors, tables, equipment and utensils used are thoroughly washed immediately after each day's operations.

16. All licensees shall furnish to the Board, not later than the seventh day of each calendar month, a statement showing the quantities of each type of fish processed by them in the immediately preceding month and also their total holdings of such fish at the end of the same month.

**7. Processed Fish (Filleting and Freezing) Regulations, 1946**

1. In these Regulations unless the context otherwise requires—

- (a) "Board" means the Newfoundland Fisheries Board;
- (b) "fish" means all types of marine fishes including shellfish;
- (c) "fillet" means fish from which all guts, bones, head, tail and fins have been removed, or, as the context requires, to remove all such parts from fish, and grammatical variations of the term shall be construed accordingly;
- (d) "Inspector" means any person authorized by the Board to act as an Inspector for the purposes of these Regulations;



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- (e) "Person" shall include any body of persons, corporate or unincorporate and any society or association;
- (f) "Non-fatty" fish shall include cod, haddock, flounder, rose fish, hake (also called ling) cusk and pollock.

2. All premises used in the filleting or freezing of fish shall have an adequate supply of clean, fresh or sea water free from pollution and all such premises and the equipment and implements used therein shall at all times be kept in a thoroughly clean and sanitary condition.

3. Fish showing any signs of deterioration, decomposition, or sourness shall not be filleted and fillets which are soft or show any such signs shall not be frozen.

4. When fillets cut from scale-type fish are to be marketed with skin on, the fish shall be scaled before filleting, in accordance with a method approved by the Board.

5. Immediately before any fish is filleted such fish shall be thoroughly washed in fresh or salt water which is projected directly on to such fish from a jet or pump.

6. Fillets, when stored in ice for transportation or holding before freezing, shall be kept packed in finely crushed ice in boxes the sides of which are not more than eight inches deep on the inside.

7. Before fillets are frozen they shall be washed thoroughly clean in fresh or sea water and all blood clots or other deleterious matter shall be removed from them.

8. Immediately after fillets of non-fatty fish are washed and trimmed they shall be dipped in a clean sodium chloride brine solution for a sufficient time to strengthen the cell structure and to ensure a minimum amount of drip after defrosting. Whenever available, fresh water shall be used in making the sodium chloride brine solution.

9. Immediately after fillets are brined and drained they shall be weighed and placed in the wrapper and/or container in which they are to be frozen and, until such fillets are put through the freezing process, they shall be held in a refrigerated holding room at a temperature not higher than 40 degrees Fahrenheit.

10. Scales, balances, or weighing machines used in the weighing of fillets shall be accurate at all times, and in the weighing of fillets for freezing due allowance shall be made for evaporation during freezing.

11. All packages containing fillets for sale or export shall be plainly marked with a true and correct description of the contents, including the minimum weight in avoirdupois of the contents, and the name and address of the person, by whom they are packed.

12. The descriptive term "quick frozen" with its grammatical variations, as applied to the freezing of fish, shall not be used without the permission in writing of the Board. Such permission shall be granted only where the Board is satisfied that the process used is such that the fall in temperature of the fish during freezing from 32 degrees Fahrenheit to 25 degrees Fahrenheit occurs at a speed which ensures a minimum disturbance of tissue structure. Fish shall not be removed from the freezer before the fish reaches storage temperature.

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**13.** Frozen fillets shall be kept stored at a temperature not higher than 5 degrees above zero Fahrenheit.

**14.** An Inspector may—

- (a) Inspect any place in respect of which application is made for its use as a plant for filleting of fish or the freezing of fillets;
- (b) Inspect any place for the filleting of fish or the freezing of fillets and the equipment used therein, and enquire into and ascertain the methods used and the sanitary precautions taken, and other matters in connection therewith;
- (c) Inspect fillets and fish intended for use in the preparation of fillets;
- (d) Take samples for further examination; and
- (e) Initiate in his own name as Inspector and conduct prosecutions for breaches of these Regulations or offences thereunder.

**15.** If, after being requested to do so by an Inspector, any person who has in his possession or under his control any fillets or any fish intended for use in the preparation of fillets or who is the holder of a licence issued and valid under the Processed Fish (Licencing) Regulations, 1944, to process fish, refuses or omits—

- (a) to admit the inspector into the plant in respect of which the licence is held;
  - (b) to show the Inspector all equipment in such plant, and the methods used in the plant;
  - (c) to produce any such fillets or fish for inspection; or
  - (d) to permit the reasonable taking of samples for examination
- he shall be guilty of a breach of these Regulations.

**16.** No person shall export fillets unless they have been inspected and passed by an Inspector and if fillets are not exported within six months from the date of inspection, they shall not be exported without re-inspection.

**17.** The Inspector shall give an inspection certificate to the licensee or exporter and such certificate shall show the number of packages inspected and passed, the date of inspection and the name of the Inspector.

**18.** These Regulations may be cited as the Processed Fish (Filleting and Freezing) Regulations, 1946.

**NOTE.**—Every person who commits a breach of any rules or regulations made under the Department of Natural Resources Acts, 1934-44, is liable for each offence on summary conviction at the suit of any person to a fine not exceeding two hundred dollars, or, in default of payment, to imprisonment for a period not exceeding three months.

**8. Salmon Fishery and Packing Regulations**

- 1.** (a) "inland water" means any water or waters within Newfoundland above low water spring tide and any water or waters inland of a line between two points marked by notices posted under authority of the Commissioner at or in the vicinity of the mouths of rivers or streams flowing into the sea;
- (b) A "salmon-net" shall mean twine knitted together with a head-rope and floats, and a footrope and sinks;

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- (c) A "salmon-trap" shall mean twine knitted together, with bottom and walls, corks or floats at the headrope to float it, and leads or sinks at the bottom to sink it, with doorways and leader.

2. No person shall use any net or trap for the taking of salmon, the meshes or scales of which are less than five inches; provided, however, that salmon nets or traps the meshes or scales of which are not less than four and one-half inches, may be used in the waters of Bay St. George and the waters adjacent to that section of the south coast of Newfoundland from Cape Pine to and including Terenceville in Fortune Bay, and in such other areas as may be declared by resolution of the Newfoundland Fisheries Board from time to time. Any such resolutions when made shall be published in the *Newfoundland Gazette* and may be altered or revoked by the Newfoundland Fisheries Board.

3. (a) No person shall set any salmon-net or salmon-trap or any cod-net or cod-trap at a less distance than fifty fathoms from the nearest point of any salmon-net or salmon-trap previously set.
- (b) No person shall set any salmon-net or salmon-trap at a less distance than fifty fathoms from the nearest point of any cod-net or cod-trap previously set.
- (c) No person shall set any salmon-net or salmon-trap at a less distance than one hundred and fifty fathoms from any double salmon-net or fleet of nets previously set.
- (d) No person shall set any double salmon-net or fleet of nets at a less distance than one hundred and fifty fathoms from any salmon net or salmon-trap or cod-net or cod-trap previously set.

Provided that in any case where the local regulations herein-after contained conflict with the foregoing provisions the local regulations shall prevail.

4. No person shall set any salmon-net or salmon-trap nor any double salmon-net or fleet of nets nor any other combination of nets or traps which shall exceed in any case 100 fathoms in length, including the measurements of any pound or pounds attached thereto but excluding the measurements of the leader attached to a salmon-trap.

5. Notwithstanding the provisions of the regulations hereinbefore contained any net or trap may be set on the opposite side of any land or island intervening between the net or traps so set and any net or trap previously set.

6. No person shall fish for, take or kill or attempt to fish for, take or kill salmon by means of nets, trawls or other appliances except rod, hook and line between midnight on every Saturday and midnight on every Sunday of each week: Provided that this regulation, in so far as it deals with the taking or killing of salmon, shall not apply to a person who inadvertently takes or kills salmon by means of an appliance lawfully in use for taking codfish.

6A. No person shall take or kill or attempt to take or kill salmon in any inland water by nets, trawls or any appliances or means other than rod, hook and line.

7. When it is declared in any case by regulations hereinafter contained or by regulations made subsequently to these regulations that the salmon fishery prosecuted within a particular area of the water of Newfoundland,



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named and described is to be subject to the control of a local salmon fishery committee then in addition to all other provisions of these and subsequent regulations, the regulations numbered 8 to 15 inclusive hereinafter contained shall apply with respect to such area subject nevertheless to such modifications and exceptions as may be made by such subsequent regulations in any case.

8. (1) The salmon-net and salmon-trap owners who are desirous of prosecuting the salmon-fishery within an area of the waters of Newfoundland declared to be subject to the control of a local salmon-fishery committee and who are qualified by residence and otherwise as may be provided by the regulations with respect to that area shall meet before the last day of January in each year and elect from among them a committee of three or five persons consisting of a chairman and two or four members. Both chairman and members are eligible for re-election.

(2) As soon as the committee has been elected (or re-elected) it shall be responsible for drawing berths by lot.

(3) On the first drawing no person may draw more than one berth. If any person has more than one net or trap the principal berths shall be drawn for first, the number of berths so drawn being equal to the number of owners. After the first drawing, persons who intend to fish more than one net or trap shall have their names placed on separate lists as many times as they have nets or traps to fish, and the remaining berths shall then be drawn by lot.

9. When drawings have taken place the chairman of the local committee shall forthwith make up for each berth drawn a licence upon a form which may be supplied by the Newfoundland Fisheries Board and which shall set out the location and number or name or other sufficient description of the berth and the name of the person who has drawn it. The licence shall thereupon be signed by the chairman of the local committee and forwarded to the Newfoundland Fisheries Board and shall be signed by a member thereof and shall thereupon be returned to the chairman of the local committee who shall issue the same to the person named therein or entitled thereto and the same shall be valid subject to the provisions of these regulations for the calendar year within which the same is issued.

10. The Newfoundland Fisheries Board may require one or more additional copies of the licence to be issued to be signed by the chairman of the local committee and forwarded by him to the Board with the original licence and may return to such chairman a duplicate of the licence signed in like manner to the original; and the chairman of the local committee shall retain a copy of every licence issued, which copy shall be the duplicate copy signed by the member of the Newfoundland Fisheries Board whenever such duplicate copy has been so signed and returned.

11. Any person being the holder of a valid and subsisting licence issued for a salmon-net or salmon-trap berth or who is entitled to receive such licence may with the approval of a majority of the local committee having control of the area exchange his salmon-net or salmon-trap berth with any other person who is similarly entitled to receive or who is the holder of a valid and subsisting licence, for a salmon-net or salmon-trap berth within the same area. The chairman of the local committee shall report any exchange of berths to the Newfoundland Fisheries Board, giving particulars of berths exchanged and the net or trap owners making the exchange.

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**12.** Whenever it is provided by the regulations made with respect to any area of the waters of Newfoundland subject to the control of a local committee hereunder that salmon nets or salmon traps within such area shall be set on or before a certain date in the year, then any person who shall hold or be entitled to a licence for a salmon-net or salmon-trap berth in such area who shall in any year fail to set his net or trap on or before the date so provided (unless prevented by weather or ice conditions or other causes over which he has no control) shall forfeit his right to the said berth and the said berth shall then be allotted by the chairman of the committee to such person as the majority of the committee shall decide and the licence issued for such berth shall when such allotment is made be cancelled or transferred to the person to whom the berth has been allotted and if not transferred a new licence shall be issued for such berth to the person entitled thereto. Any new licence to be issued shall be forwarded to the Newfoundland Fisheries Board for signature and signed by the chairman of the committee and otherwise subject to the same provisions as licences originally issued.

**13.** No person other than the holder of a licence therefor (by issue or transfer as provided herein), shall set a salmon-net or salmon-trap in any berth in respect of which a licence has been issued hereunder and which is valid and subsisting.

**14.** No person other than a person entitled to receive a licence therefor as decided by the majority of the local committee upon the result of the drawing therefor or under the provisions of Regulation 11 or Regulation 12 hereof, shall set a salmon-net or salmon-trap in any berth in respect of which in the same calendar year a drawing has taken place under the provisions of these regulations.

**15.** Every person shall remove his fishing gear from the water within an area subject to the control of a committee, if requested so to do by the committee for the purpose of marking salmon-net or salmon-trap berths that have been allotted or setting salmon nets or salmon-traps in the berths allotted.

**16.** Where salmon-net or salmon-trap berths are not drawn by lot, a berth may be held by setting afloat a salmon-net not less than twenty-five fathoms long or a salmon-trap in perfect order for fishing.

**17.** No fishing gear shall be sufficient to hold a net or trap berth other than a *bona fide* salmon-net or salmon-trap in perfect order for fishing and set in position.

**18.** When any person shall have set a salmon net or salmon trap and shall take it up for repairs or cleaning or because of weather or ice conditions or other unavoidable cause he shall not thereby forfeit his right to re-set his salmon net or salmon trap, provided that it be re-set within three working days unless he be prevented from so doing by weather or ice conditions\* or other cause over which he has no control.

*Licence to Export*

**19.** The Newfoundland Fisheries Board upon application made in writing by any person for a licence to export salmon in a fresh, frozen or chilled state may issue a licence for the export of fresh, frozen or chilled salmon to such applicant.

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**20.** No person shall export from Newfoundland salmon in a fresh, frozen or chilled state unless he is the holder of a licence to export fresh, frozen or chilled salmon issued and valid under these regulations.

**21.** Every such licence shall be valid only for the calendar year in respect of which the licence is issued.

**22.** The Newfoundland Fisheries Board shall be entitled to require payment of a fee of \$2.00 before the issue of such licence, and to require that application be made upon a form supplied by the Board.

**23.** Every licence holder shall at the end of the season for exporting fresh, frozen or chilled salmon and not later than the tenth day of January send a return to the Newfoundland Fisheries Board on a form to be provided by the said Board setting out such information as may be required by the said form, with respect to the previous calendar year's operations.

*Licensing of Packers*

**24.** The Newfoundland Fisheries Board upon application made in writing by any person for a licence to pack salmon in any factory may issue a licence for the packing of salmon to such applicant in the said factory.

**25.** (1) Every such licence shall be valid only for the packing of salmon in the factory for which it is issued which shall be stated in the said licence.

(2) Every such licence shall be valid only for the calendar year in respect of which the licence is issued.

(3) Licences shall be numbered and in the case of a licence issued to a packer who has previously been the holder of a licence under these regulations the number of the licence issued to him shall be the same as that upon the licence previously issued.

**26.** No person shall can or otherwise preserve salmon at any place in Newfoundland unless he is the holder of a licence to pack salmon issued and valid under these regulations; provided that this regulation shall not apply to any person who shall can or otherwise preserve salmon for consumption by himself or members of his household or otherwise for purposes not being sale, export or other commercial transaction.

**27.** Every licence holder shall at the end of the season for the catching of salmon, not later than ten days after the closing of the factory send a return to the Newfoundland Fisheries Board on a form to be provided by the said Board setting out such information as may be required by the said form, with respect to the season's operations.

**28.** The Newfoundland Fisheries Board shall be entitled to require payment of a fee of \$2.00 before the issue of any licence to pack salmon; and to require that application be made upon a form to be supplied by the Board and that application be made not later than the last day of February in any year for a licence for that year.

*Inspection*

**29.** An "inspector" means any person for the time being authorized or appointed by the Commissioner for Natural Resources or the Newfoundland Fisheries Board as an inspector for the purposes of these regulations.



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**30.** It shall be the duty of inspectors:

(1) To inspect any place in respect of which application is made to be used as a factory for the canning or preserving of salmon.

(2) To inspect every place used for the canning or preserving of salmon, and the equipment used therein and to inquire into and ascertain the methods used for the canning and preserving of salmon and the sanitary precautions taken, and other matters in connection therewith; and

(3) To inspect salmon packed in containers wherever found and all cases and containers wherein salmon are packed or intended to be packed and to open and examine any number of cans and other containers of salmon out of any quantity in any factory or in any place for sale or export, in order to ascertain the quality thereof.

**31.** The Newfoundland Fisheries Board may refuse to grant a licence to pack salmon when an inspector reports that the factory to be used for the packing of salmon is unsuitable for that purpose as defined therein.

Any place shall be deemed unsuitable for the packing of salmon if it fails to comply with the following requirements:

(a) The building must be self-contained and of adequate size. The walls and ceiling must be thoroughly clean and whitewashed or otherwise made suitable. All windows and doors and other openings must be screened with wire or muslin. The building must be properly ventilated.

(b) In the case of a factory other than a floating factory the grounds surrounding the premises to the extent of twenty-five yards in every direction from the proposed factory shall be clean and free from objectionable matter.

(c) All floors must be watertight and such as can be readily kept clean.

(d) All factories must have a plentiful supply of clean water, either fresh or salt.

(e) The cooking and bath boilers must be under cover.

(f) The proposed factory must be supplied with following equipment of an adequate kind:

(1) At least one galvanized iron or other approved metal boiler.

(2) One clock and one weighing machine in good order.

(3) Two suitable tables—one for dressing and one for packing—not less than 1" thick. The dressing table must be covered with oilcloth, zinc or other suitable material.

(4) At least one lathed draining tray.

(5) Two washing tubs, vats, bins or barrels.

(6) Pans, soap, brushes, towels and other necessary equipment.

**32.** The Newfoundland Fisheries Board may by order in writing suspend the licence of any licence holder whose factory does not continue to comply with the requirements set out in the foregoing section or which is not kept clean, and such suspension shall continue in effect until the Board shall be satisfied that the defects have been remedied.

**33.** The Newfoundland Fisheries Board may by order in writing suspend a licence which has been issued to pack salmon if an inspector reports that the methods of packing salmon in the licensed factory are not proper methods and such suspension shall continue in effect until the Board shall be satisfied that proper methods have been adopted.

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**34.** The following shall be considered the proper method of packing salmon and no other method shall be deemed a proper method unless it is equally sanitary and effective for the best preservation of salmon:

- (1) (a) Only freshly caught salmon shall be used to fill cans, and processing must begin not longer than two hours after the salmon has been delivered at the factory.
- (b) No person shall pack salmon and lobster in the same factory on the same day unless all utensils and equipment have been thoroughly cleaned after finishing packing the first product and before beginning to pack the second.
- (2) Sterilization process where steam retorts are not in use:
  - (a) Cans of 10 ozs. and over shall not be heated or sterilized in the same boiler at the same time as cans of less than 10 ozs.
  - (b) After being sealed the cans must be completely immersed in vigorously boiling water for a period of not less than 90 minutes in the case of cans of 10 ozs., and over and not less than 70 minutes in the case of cans of less than 10 ozs.
  - (c) On removal from the water, the cans are to be punctured while hot to allow compressed air and vapour to escape. No can shall be punctured more than once.
  - (d) The hole must be neatly soldered while the can is still very hot.
  - (e) Cans must be completely immersed again in vigorously boiling water for a period of not less than 90 minutes in the case of cans of 10 ozs., and over and not less than 70 minutes in the case of cans of less than 10 ozs.
  - (f) The cans must be cooled rapidly with cold water.
  - (g) All cans must be thoroughly dried before storing.
- (3) Sterilization process where steam retorts are in use:
  - (a) Cans of 10 ozs. and over shall not be exhausted or sterilized in the same exhaust box or retort at the same time as cans of less than 10 ozs.
  - (b) Either proceed as in the first three rules (b), (c), (d), of paragraph (2) immediately preceding, or place the cans with loose lids in a simple exhaust box through which the steam is passed, for a period of fifteen minutes, following up this process by sealing the cans while hot.
  - (c) The cans are then to be placed in a retort and sterilized in the retort at a steam pressure of not less than 10 pounds per square inch for a period of 90 minutes in the case of cans of 10 ozs. and over and not less than 60 minutes in the case of cans less than 10 ozs.
  - (d) The cans must be cooled rapidly with cold water.
  - (e) All cans must be thoroughly dried before storing.
- (4) If within six hours of the completion of the packing process defective cans are detected, the cans may be removed immediately and re-packed in another can, provided that it is reprocessed as prescribed above. If defective cans are discovered more than six hours after the completion of the packing process, but before they have left the factory, such cans must not be reprocessed, but must be immediately destroyed by the licensee.

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**35.** (1) If an inspector at any time finds any salmon in any container or otherwise in any factory or elsewhere which appears to him to be unwholesome or of inferior grade or to have been packed in a defective container or finds any defective container used or intended to be used for the packing of salmon he may declare to the owner thereof or to the person in whose possession the same may be his intention of seizing and carrying away the same himself or by his assistants to be destroyed.

(2) The owner or any person in whose possession the same may be may then and there object to the said proposed destruction and declare to the inspector in writing his desire to have the matter referred to a Stipendiary Magistrate.

(3) Upon such a declaration by the owner or person in possession the inspector may seize the salmon claimed to be unwholesome or inferior with containers and all defective containers and any other containers of salmon which may reasonably be suspected of being of like unwholesome or inferior quality and take the same forthwith before a Stipendiary Magistrate who shall summarily and without any formal procedure, after having offered the owner or person in possession an opportunity of being present, view the said salmon or the containers thereof and any defective containers seized and may require any further examination he shall think necessary, and shall either confirm the decision of the inspector, in which case the salmon and containers seized shall be destroyed or disposed of as the Magistrate may direct, or may reverse the decision of the inspector in which case the person from whom the seizure was made may forthwith resume possession of the goods seized.

(4) If the owner or person in possession does not declare in writing his desire to have the matter referred to a Magistrate the inspector may seize and carry away any or all of such goods himself or by assistance and without any reference to a Magistrate, order them to be destroyed.

**36.** Any buyer of canned salmon for resale, finding in his purchase of canned salmon any defective cans shall notify the Newfoundland Fisheries Board of the quantity and licence numbers of the same and shall hold the same until they shall have been examined and the defects certified by an inspector who shall destroy the contents thereof.

**37.** If, after being requested to do so by an inspector any person who has in his possession or under his control any canned or preserved salmon or who is the holder of a licence to pack salmon, refuses or omits

- (a) to show the inspector the place in which salmon are stored; or
- (b) to admit the inspector into the factory licensed to pack salmon; or
- (c) to show the inspector all equipment in such factory and the methods used in such factory;

he shall be guilty of an offence against these regulations.

**38.** When a licence is suspended hereunder it shall be invalidated for the period of suspension and the licence holder shall return his licence to the Newfoundland Fisheries Board. The Newfoundland Fisheries Board shall restore the licence upon being satisfied that the cause of suspension has ceased during the packing season.

**39.** If any person is dissatisfied with the decision of the Board in suspending a licence or in refusing to restore during the packing season



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a licence suspended he may apply by way of appeal to the Commissioner for Natural Resources, who may after such investigation as he thinks proper, confirm or alter or reverse the finding of the Board.

**40.** Upon suspension of a licence hereunder the Board shall give to the licence-holder fourteen days' notice of its intention, and suspension shall not have effect until expiry of the said fourteen days.

**41.** Licences shall not be suspended for casual or minor accidental departure from a proper method of manufacture.

**42.** The Newfoundland Fisheries Board shall supply to every licence holder upon payment of the cost price thereof an embossing machine and every packer shall by means of the machine supplied to him emboss upon every container in which salmon is packed the number of his licence. In the case of salmon packed in cans, the number shall be embossed upon the cover of each can; in the case of glass containers the numbers shall be embossed on genuine parchment paper, and such paper enclosed on the top of the container.

**43.** No person shall sell or purchase in Newfoundland or export any canned or otherwise preserved salmon unless every can or glass container has the packer's licence number embossed upon it as prescribed above.

**44.** No licence holder shall allow the embossing machine supplied to him to be used except to emboss cans packed by or under him in the factory in respect of which his licence is issued.

**45.** No person shall export salmon in any case or package containing cans not of the same licence number unless there is stencilled thereon a number corresponding to the licence number on the cans or other containers therein contained.

**46.** (1) Every can in which salmon is packed for sale or export or other commercial use shall bear a label upon which is printed in a conspicuous manner—

- (a) The christian name or the initials thereof and the surname and address of the packer, or of the dealer who obtains the cans from the packer; and, where the packer or dealer is a firm or company, the name and business address of the firm or company;
- (b) A true and correct description of the contents of the can;
- (c) The net weight of the contents in avoirdupois;
- (d) The word "Newfoundland"; and
- (e) The words "salt added" if the contents are packed with salt.

(2) Every such can, unless lacquered inside, shall be lined with genuine vegetable parchment paper.

**47.** The holder of a licence to pack salmon shall at all times keep the said licence prominently displayed in the licensed premises and shall upon request produce the same for the inspection of any inspector or of any Justice of the Peace, Fisheries Inspector or Constable.

**48.** The holder of every licence to pack salmon shall upon request by an inspector open cases, packages or other covering in which cans or containers of salmon are packed.

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**49.** All rules and regulations heretofore made with reference to the catching of salmon or the packing of salmon or otherwise with reference to the salmon fishery or salmon industry under the provisions of chapter 11 of the Consolidated Statutes, (Third Series) "Of the Department of Marine and Fisheries," or chapter 15 of 22 George V (Second Series) "The Department of Lands and Fisheries Act 1932", or the Department of Natural Resources Act No. 49 of 1934 or of acts in amendment of any of the said acts are hereby repealed.

NOTE—The penalty for a breach of any of the foregoing regulations as provided by the Act 36 of 1936 entitled "An Act to amend the Department of Natural Resources Act 1934" is a fine not exceeding two hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

LOCAL REGULATIONS—SALMON BAULINE

**1.** The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the coast in the vicinity of Bauline is the District of St. John's East from Bradbury's Bight on the West to Longer Gulch on the East both inclusive hereinafter called the Bauline area shall be subject to the control of a local salmon fishery committee.

**2.** The salmon net owner resident in the settlement of Bauline and no other persons shall be entitled to elect a committee for the Bauline area and to act upon such committee and to draw for and set salmon nets in the berths in the said area.

**3.** All salmon net berths in the Bauline area may be drawn for in the manner provided by the regulations and licenses shall be issued for all berths drawn.

**4.** The following berths in the Bauline area shall be included in the berths drawn for in that area:

- No. 1—Bradbury's Bight (outside).
- No. 2—Piccos Point (outside).
- No. 3—Pound (onshore).
- No. 4—Pound (outside).
- No. 5—Herring Gulch (onshore).
- No. 6—Herring Gulch (outside).
- No. 7—Black Cliff (outside).
- No. 8—High Point (onshore).
- No. 9—High Point (outside).
- No. 10—Franks Gulch (outside).
- No. 11—Fishing Island.
- No. 12—Lower Collars.
- No. 13—Yellow Moll (onshore).
- No. 14—Yellow Moll (outside).
- No. 15—Smooth Gulch (outside).
- No. 16—Pats Point (outside).
- No. 17—Whalens Gulch (outside).
- No. 18—Birchs Point (outside).
- No. 19—Herring Gulch (outside).

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- No. 20—Pincombe Brook (onshore).
- No. 21—Pincombe Brook (outside).
- No. 22—Lower part of Herring Cove Head (outside).
- No. 23—Upper part of Herring Cove Head (outside).
- No. 24—Sandy Beach Scrap (onshore).
- No. 25—Sandy Beach Scrap (outside).
- No. 26—Dark Hold Head (onshore).
- No. 27—Dark Hold Head (outside).
- No. 28—Cribs Hold (outside).
- No. 29—White Point (onshore).
- No. 30—White Point (outside).
- No. 31—Turfy Point (outside).
- No. 32—Lower side of Lower Gooding Gulch.
- No. 33—Horses Head.
- No. 34—Horse Shoe.
- No. 35—Gulls Nest.
- No. 36—Patch Brook.
- No. 37—Upper part of Golden Bight.
- No. 38—Mouse Holes.
- No. 39—Upper part of Flat Rocks.
- No. 40—Longer Gulch.

5. Salmon nets within the Bauline area shall be set by each person who holds or is entitled to a licence under these Regulations to a berth in that area on or before the 20th day of May.

6. No person, whether a holder of a berth under these regulations or not, shall fish for salmon in the Bauline area before the 25th day of April or after the 15th day of July in any year.

7. No person shall use salmon traps for catching salmon in the Bauline area.

**LOCAL REGULATIONS—SALMON PORTUGAL COVE**

1. The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the coast around Portugal Cove in the district of St. John's West between Goat Cove and Bradbury's Point both inclusive, hereinafter called the Portugal Cove area shall be subject to the control of a local salmon fishery committee.

2. The salmon net and salmon trap owners resident in the settlement of Portugal Cove and no other persons shall be entitled to elect a committee for the Portugal Cove area and to act upon such committee and to draw for and set salmon nets and salmon traps in the berths in the said area.

3. All salmon net and salmon trap berths in the Portugal Cove area may be drawn for in the manner provided by the regulations, and licences shall be issued for all berths drawn.

4. The following berths in the Portugal Cove area shall be included in the berths drawn for in that area:

- No. 1—Goat Cove.
- No. 2—East Point, Goat Cove.
- No. 3—Hussey's Point.
- No. 4—Sailing Point.



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- No. 5—Where the Man Fell Over.
- No. 6—The Gaze.
- No. 7—Sandy Hole.
- No. 8—Beachy Cove Bar.
- No. 9—Beachy Cove Point.
- No. 10—Ned's Point.
- No. 11—Callahan's Rock.
- No. 12—Black Point.
- No. 13—Lower part of Shag Rock.
- No. 14—Crow's Hole.
- No. 15—Breakwater.
- No. 16—Peter's Point.
- No. 17—Allan's Point.
- No. 18—Earle's Cove.
- No. 19—Greely's Point.
- No. 20—Outer Berry.
- No. 21—Hanging Cliff.
- No. 22—Church Cove.
- No. 23—Ganey's Point.
- No. 24—Miller's Launch.
- No. 25—Mayo's Gulch.
- No. 26—Sculpin's Point.
- No. 27—Three Gulches.
- No. 28—Normore's Hole.
- No. 29—Cook Room.
- No. 30—X.
- No. 31—Lobster Point.
- No. 32—Flat Point.
- No. 33—Keough's Point.
- No. 34—Roof of the House.
- No. 35—Glass Hole Point.
- No. 36—Turfy Point.
- No. 37—Otterborough.
- No. 38—White Rock, No Man's Land.
- No. 39—Lower Point, No Man's Land.
- No. 40—Whale's Rock.
- No. 41—Big Freshwater Path.
- No. 42—Brock's Head (Big).
- No. 43—Red Rocks.
- No. 44—Gulch where the Vessel was Lost.
- No. 45—White Horse.
- No. 46—The Chair.
- No. 47—Skane's Patch.
- No. 48—Pigeon Hole.
- No. 49—Bluff Point.
- No. 50—Stem and Stern.
- No. 51—Red Rocks, Little Fresh Water.
- No. 52—Island Rock.
- No. 53—Ore Head Cove.
- No. 54—Mick and All's Cook Room.
- No. 55—Black Cliff.
- No. 56—Bill of Ore Head.
- No. 57—Black Gulch.
- No. 58—Flat Point.

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- No. 59—Gull Rock.
- No. 60—Mayor's Point.
- No. 61—Lower Scrape Head.
- No. 62—White Point.
- No. 63—Horse Shoe.
- No. 64—Bradbury's Point.

5. Moorings for outside Salmon net berths shall not be set until April 25 in each year in this area.

6. The moorings of all salmon nets shall be taken up as soon as the Salmon fishery is over in this area.

**LOCAL REGULATIONS—SALMON CONCHE**

1. The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the coast adjoining the East side of Conche Harbour, from Cape Fox to the lighthouse on Silver Point, in Conche Harbour, hereinafter called the Conche area shall be subject to the control of a local salmon fishery committee.

2. (a) The salmon net and salmon trap owners resident in the Conche area and no other persons shall be entitled to elect a committee for the Conche area and to act upon such committee and to draw for and set salmon nets and salmon traps in the berths in the said area.

(b) "owner" for the purposes of this regulation means a person owning at least eighty fathoms of straight linnet, suitable and in order for salmon fishing, together with the necessary moorings for the same.

3. All salmon net and salmon trap berths in the Conche area may be drawn for in manner provided by the Regulations and licences shall be issued for all berths drawn.

4. The following berths in the Conche area shall be included in the berths drawn for in that area:

- No. 1—Silver Point.
- No. 2—Stage Point.
- No. 3—Pikes Point.
- No. 4—German Point Rock.
- No. 5—Simmonds.
- No. 6—River of Sticks.
- No. 7—Sunkers of Green Cove.
- No. 8—Green Cove Head.
- No. 9—Neddie Haggetts Cove.
- No. 10—The Flats.
- No. 11—The High Rock.
- No. 12—The Cook Room.
- No. 13—Dock Point.
- No. 14—deleted May 9, 1949.
- No. 15—Bill of Fox Head.
- No. 16—Opposite No. 15.
- No. 17—Opposite No. 14.
- No. 18—Opposite No. 13.
- No. 19—Opposite No. 12.
- No. 20—Opposite No. 11.
- No. 21—Opposite No. 10.
- No. 22—Opposite No. 9.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

- No. 23—Opposite No. 8.
- No. 24—Opposite No. 7.
- No. 25—Opposite No. 6.
- No. 26—Opposite No. 5.
- No. 27—Opposite No. 4.
- No. 28—Opposite No. 3.
- No. 29—Opposite No. 2.
- No. 30—Opposite No. 1.
- No. 31—Opposite No. 30.
- No. 32—Opposite No. 29.
- No. 33—Opposite No. 28.
- No. 34—Opposite No. 27.
- No. 35—Opposite No. 26.
- No. 36—Opposite No. 25.
- No. 37—Opposite No. 24.
- No. 38—Opposite No. 23.
- No. 39—Opposite No. 22.
- No. 40—Opposite No. 21.
- No. 41—Opposite No. 20.
- No. 42—Opposite No. 19.
- No. 43—Opposite No. 18.
- No. 44—Opposite No. 17.
- No. 45—Opposite No. 16.
- No. 46—Opposite No. 45.
- No. 47—Opposite No. 44.
- No. 48—Opposite No. 43.
- No. 49—Opposite No. 42.
- No. 50—Opposite No. 41.
- No. 51—Opposite No. 40.
- No. 52—Opposite No. 39.
- No. 53—Opposite No. 38.
- No. 54—Opposite No. 37.
- No. 55—Opposite No. 36.
- No. 56—Opposite No. 35.
- No. 57—Opposite No. 34.
- No. 58—Opposite No. 33.
- No. 59—Opposite No. 32.
- No. 60—Opposite No. 31.

5. The shore fasts on the outside points shall be eight fathoms long, and others between in proportion, to bring the shore nets in line at the first fifteen fathom lane.

6. No person shall set an outside net or fleet of nets except in a direct line with an inside net or fleet of nets and at a distance of not less than fifteen fathoms from same.

7. No person shall hold a salmon-net berth except with a salmon-net at least twenty-five fathoms in length.

8. No person shall use a salmon-net or fleet of nets the length of which exceeds eighty fathoms inclusive of the pound.

9. No person shall have or make a pound on the inside end of an outside net.



**Newfoundland—A. The Department of Natural Resources Acts—con.**

**10.** No person shall moor or set for the purpose of catching salmon, any salmon-net, at a less distance than one hundred fathoms from any double salmon-net or fleet of salmon-nets, moored or set.

**11.** No person shall tie or moor a boat to the end of any salmon-net in the lane separating nets, in such a manner as to block or partially block the lane.

**LOCAL REGULATIONS—SALMON POUCH COVE**

**1.** The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the coast around Pouch Cove in the district of St. John's East from Black Head near Flat Rock on the South to Anvil Rocks on the North both inclusive, hereinafter called the Pouch Cove area, shall be subject to the control of a local salmon fishery committee.

**2.** The salmon-net and salmon-trap owners resident in the settlement of Pouch Cove and no other persons shall be entitled to elect a committee for the Pouch Cove area and to act upon such committee and to draw for and set salmon-nets and salmon-traps in the berths in the said area.

**3.** All salmon-net and salmon-trap berths in the Pouch Cove area may be drawn for in the manner provided by the regulations and licenses shall be issued for all berths drawn.

**4.** The following berths in the Pouch Cove area shall be included in the berths drawn for in that area.

- No. 1—Joe Butts Point, South Side.
- No. 2—Joe Butts, Point, North Side.
- No. 3—Chimney Gulch.
- No. 4—Chimney Gulch, North Side.
- No. 5—White Rock.
- No. 6—Tow of Shoe Cove Island.
- No. 7—Tow Rock.
- No. 8—Kelly's Rock.
- No. 9—Sandy Cove.
- No. 10—Blue Madam.
- No. 11—Herring Point.
- No. 12—Strawberry.
- No. 13—Outside Point, Shoe Cove.
- No. 14—Inside Point, Shoe Cove.
- No. 15—Hollow Cove.
- No. 16—Schoolhouse Point.
- No. 17—George's Point.
- No. 18—Square Gulch.
- No. 19—Sparer's Point.
- No. 20—Newell Point.
- No. 21—Alter Gulch.
- No. 22—Shoal Rock, Ball Head.
- No. 23—Red Scrape.
- No. 24—Jack Point.
- No. 25—Herring Point.
- No. 26—North Side, Freshwater.
- No. 27—Jacobs Gulch.
- No. 28—North Side, White Point.
- No. 29—Anvil Rock, South Side.
- No. 30—Anvil Rock, North Side.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

No. 31—Big Ball Head.

No. 32—Ball Head Point, North Side.

No. 33—Inside Biscayan Island.

No. 34—Centre Biscayan Island South.

5. No person shall use more than seventy fathoms of net in any one berth.

6. No person, whether a holder of a berth under these regulations or not, shall fish for salmon in the Pouch Cove area before May 1 or after June 12 in each year.

7. No person shall hold a salmon-net berth in the said area except with a salmon-net at least fifty fathoms in length.

LOCAL REGULATIONS—SALMON OUTER COVE

1. The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the coast between Torbay Point and Codfish Point both inclusive on the Outer Cove Shore, hereinafter called the Outer Cove area, shall be subject to the control of a local salmon fishery committee.

2. The salmon-net and salmon-trap owners resident in the settlement of Outer Cove and no other persons shall be entitled to elect a committee for the Outer Cove area and to act upon such committee and to draw for and set salmon-nets and salmon-traps in the berths in the said area.

3. All salmon-net and salmon-trap berths in the Outer Cove area may be drawn for in the manner provided by the regulations and licences shall be issued for all berths drawn.

4. The following berths in the Outer Cove area shall be included in the berths drawn for in that area.

No. 1—Inside Bill of Torbay Point.

No. 2—Codner's Hole Point.

No. 3—The Crack.

No. 4—Between Two Holes.

No. 5—Upper Hole.

No. 6—Upper Codner's Hole Point.

No. 7—Red Rock.

No. 8—Halfway Rock.

No. 9—The Steps.

No. 10—Landing Place.

No. 11—Codfish Point.

No. 12—Opposite No. 1.

No. 13—Opposite No. 2.

No. 14—Opposite No. 3.

No. 15—Opposite No. 4.

No. 16—Opposite No. 5.

No. 17—Opposite No. 6.

No. 18—Opposite No. 7.

No. 19—Opposite No. 8.

No. 20—Opposite No. 9.

No. 21—Opposite No. 10.

No. 22—Opposite No. 12.

No. 23—Opposite No. 13.

No. 24—Opposite No. 14.

No. 25—Opposite No. 15.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

5. The marking shall commence at the inside Bill of Torbay Point, and shall continue up the shore until all berths on the shore shall have been drawn for. If further drawings are necessary, they shall commence 50 fathoms from the outside of the first drawing, and shall continue on the outside of the berths already drawn for.

6. All nets to the Shore shall have sandbags on the inside as a mooring, and shall not be longer than 60 fathoms nor more than 10 fathoms from the Shore.

7. All nets and gear to be taken from the water two days before the setting of Cod Traps in the said area.

**LOCAL REGULATIONS—SALMON GOOSE COVE, DISTRICT OF WHITE BAY**

1. The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the Coast adjoining the shore from Gunning Point near Cape Goose to Square Rock near White Point, in the District of White Bay, hereinafter called the Goose Cove area, shall be subject to the control of a local salmon fishery committee.

2. The salmon-net and salmon-trap owners resident in the settlements of Goose Cove including Back Cove and no other persons shall be entitled to elect a committee and to draw for and set salmon-nets and salmon-traps in the berths in the said area.

3. All salmon-net and salmon-trap berths in the Goose Cove area may be drawn for in manner provided by the regulations, and licences shall be issued for all berths drawn.

4. The following berths in the Goose Cove area shall be included in the berths drawn for in that area—

- No. 1—Gunning Point.
- No. 2—Square Flipper Gulch.
- No. 3—Salmon Rock.
- No. 4—Blue Rock.
- No. 5—Kyroos.
- No. 6—Big Head.
- No. 7—Couches Berth.
- No. 8—Jobs Berth.
- No. 9—John Murrin's Berth.
- No. 10—Tim's Berth.
- No. 11—Mark Fitzpatrick's Berth.
- No. 12—Ambrose Reardon's Berth.
- No. 13—Pierce Murrin's Berth.
- No. 14—Cape Tug.
- No. 15—Jack's Head.
- No. 16—High Rock.
- No. 17—Griffin's Head.
- No. 18—Naked Man.
- No. 19—Pumley Cove.
- No. 20—Irishman's Point.
- No. 21—Flat Rock.
- No. 22—Bakers Head.
- No. 23—Lion's Head.
- No. 24—Nick's Berth.



**Newfoundland—A. The Department of Natural Resources Acts—*con.***

- No. 25—Hawkes Nest.
- No. 26—Old Burney.
- No. 27—Big Head in the Bight.
- No. 28—The Dry Rocks.
- No. 29—Noels trap berth.
- No. 30—Stark's Head.
- No. 31—The Sisters.
- No. 32—Alberts Berth.
- No. 33—Lower Bill of White Point.
- No. 34—Upper Bill of White Point.
- No. 35—Pumley Rocks.
- No. 36—Noah's Berth.
- No. 37—Opposite No. 7.
- No. 38—Opposite No. 8.
- No. 39—Opposite No. 9.
- No. 40—Opposite No. 10.
- No. 41—Opposite No. 11.
- No. 42—Opposite No. 12.
- No. 43—Opposite No. 14.
- No. 44—Opposite No. 15.
- No. 45—Opposite No. 16.
- No. 46—Opposite No. 17.
- No. 47—Opposite No. 20.
- No. 48—Opposite No. 23.
- No. 49—Opposite No. 24.
- No. 50—Opposite No. 25.
- No. 51—Opposite No. 28.
- No. 52—Opposite No. 31.
- No. 53—Opposite No. 32.

**5.** No person shall set an outside net or fleet of nets except in a direct line with an inside net or fleet of nets and at a distance of not less than twenty fathoms from the same.

**6.** At berth No. 19, Pumley Cove, no cod trap shall be set at a less distance than 30 fathoms from any salmon-net or fleet of nets previously set, measuring from the centre of the side of said cod trap, nearest to such salmon-net or fleet of nets.

**LOCAL REGULATIONS—SALMON CROQUE, DISTRICT OF WHITE BAY**

**1.** The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the coast adjoining the shore from Croque Gull Island to the Upper Point of Flat Waters, in the District of White Bay, hereinafter called the Croque area, shall be subject to the control of a local salmon fishery committee.

**2.** The salmon-net and salmon-trap owners, resident in the settlement of Croque, and no other persons, shall be entitled to elect a committee and to draw for and set salmon-nets and salmon-traps in the berths in the said area.

**3.** All salmon-net and salmon-trap berths in the Croque area may be drawn for in the manner provided by the regulations, and licences shall be issued for all berths.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

4. The following berths in the Croque area shall be included in the berths drawn for in that area—

- No. 1—Croque Gull Rock.
- No. 2—Plateau Point.
- No. 3—Lower Point of Billy's Cove.
- No. 4—Upper Point of Billy's Cove.
- No. 5—High Rock.
- No. 6—Nanny's Hole.
- No. 7—Northern Point.
- No. 8—Lower Point of Flat Waters.
- No. 9—Upper Point of Flat Waters.
- No. 10—Opposite No. 7.
- No. 11—Opposite No. 5.
- No. 12—Off Billy's Cove Bank.
- No. 13—Opposite No. 3.
- No. 14—Off Island Bank.
- No. 15—Off Back Cove Bank.
- No. 16—Opposite No. 4.
- No. 17—Opposite No. 2.
- No. 18—Salmon Rocks.
- No. 19—Blow Hole.
- No. 20—Copper Island.

5. No person shall set an outside net or fleet of nets except in a direct line with an inside net or fleet of nets, and at a distance of not less than fifteen fathoms from the same.

6. No person shall have or make a pound on the inside end of an outside net.

7. The shore berths shall remain as at present located, regardless of distance and the outside berths shall be regulated by them.

**LOCAL REGULATIONS—SALMON TILT COVE**

1. The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the coast around Tilt Cove, from Scrape Point west to Tilt Cove to Gunning Point east of Tilt Cove both inclusive, hereinafter called the Tilt Cove area, shall be subject to the control of the local salmon fishery committee.

2. The salmon-net and salmon-trap owners resident in the settlement of Tilt Cove and no other persons shall be entitled to elect a committee for the Tilt Cove area and to act upon such a committee and to draw for the said salmon-nets in the berths in the said area.

3. All salmon-net and salmon-trap berths in the Tilt Cove area may be drawn for in the manner provided by the regulations and licences shall be issued for all berths drawn.

4. The following berths in the Tilt Cove area shall be included in the berths drawn for in that area:

- No. 1—Scrape Rock.
- No. 2—East Point.
- No. 3—Lower East Point.
- No. 4—Black Point.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

- No. 5—The Stake.
- No. 6—Beaver Cove Point.
- No. 7—Sucker Point.
- No. 8—Pinnacle.
- No. 9—Lower Pinnacle.
- No. 10—East Side Pinnacle Bight.

5. No person shall set an outside net or fleet of nets except in a direct line with an outside net or fleet of nets and at a distance of not less than 150 fathoms from same.

6. No person shall have or make a pound on the outside end of an outside net.

*Local Regulations—Salmon Conche Area West*

1. The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the coast adjoining the west side of Conche Harbour from Red Clift in Conche Harbour to Cross Point, both inclusive, hereinafter called the Conche area west, shall be subject to the control of a local salmon fishery committee.

2. The salmon net and salmon trap owners resident in the settlement of Conche and no other persons shall be entitled to elect a committee for the Conche area west and to act upon such committee and to draw for and set salmon nets and salmon traps in the berths in the said area.

3. All salmon net and salmon trap berths in the Conche area west may be drawn for in manner provided by the Regulations and licences shall be issued for all berths drawn.

4. The following berths in the Conche area west shall be included in the berths drawn for in that area:

- No. 1—Red Clift.
- No. 2—Taylor's Point.
- No. 3—Casey's Point.
- No. 4—Casey's Wharf.
- No. 5—Watts Point.
- No. 6—Currans Cove Point.
- No. 7—Stakens Rock.
- No. 8—Moses Point.
- No. 9—Fresh Water Brook.
- No. 10—Birchy Gulch.
- No. 11—Gull Rock.
- No. 12—Canon's Rock.
- No. 13—Lower Point Woody Cove.
- No. 14—Little Wild Cove Point.
- No. 15—Brook of Little Wild Cove.
- No. 16—Point of Little Harbour.
- No. 17—Lark Gulch.
- No. 18—Sawpit Point.
- No. 19—Lawlor's Point.
- No. 20—Sunken Rock, Big Wild Cove Point.
- No. 21—Black Gulch.
- No. 22—White Horse.
- No. 23—Lower Point Chimney Cove.



**Newfoundland—A. The Department of Natural Resources Acts—con.**

No. 24—Rugged Point.

No. 25—Joe's Cove.

No. 26—Cross Point.

5. The shore fasts on the outside points shall be eight fathoms long, and others between in proportion, to bring the shore nets in line at the first fifteen fathom lane.

6. No person shall set an outside net or fleet of nets except in a direct line with an inside net or fleet of nets and at a distance of not less than fifteen fathoms from same.

7. No person shall hold a salmon net berth except with a salmon net at least twenty-five fathoms in length.

8. No person shall use a single salmon net the length of which exceeds fifty fathoms, or a double salmon net or fleet of salmon nets the length of which exceeds one hundred fathoms.

9. No person shall have or make a pound on the inside end of an outside net.

10. No person shall moor or set for the purpose of catching salmon any salmon net at a less distance than one hundred fathoms from any double salmon net or fleet of salmon nets, moored or set.

**LOCAL REGULATIONS—SALMON ST. ANTHONY BIGHT**

1. The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the Coast adjoining the shore from "Raggedy Gulch" Cape St. Anthony, to "Corner of the Island" St. Anthony Bight, in the District of White Bay, hereinafter called the St. Anthony Bight area, shall be subject to the control of a local salmon fishery committee.

2. The salmon net and salmon trap owners resident in the Settlement of St. Anthony Bight and no other persons shall be entitled to elect a committee and to draw for and set salmon nets and salmon traps in the berths in the said area.

3. All salmon net and salmon trap berths in the St. Anthony Bight area may be drawn for in manner provided by the Regulations, and licences shall be issued for all berths drawn.

4. The following berths in the St. Anthony Bight area shall be included in the berths drawn for in that area:—

No. 1—Raggedy Gulch.

No. 2—The Cape.

No. 3—Swoilers Point.

No. 4—Salmon Rock.

No. 5—White Point.

No. 6—Charley Pynn's Island.

No. 7—Pessemire Point.

No. 8—Bear Gulch.

No. 9—Cock's Point.

No. 10—High Land.

No. 11—Shoal Point.

No. 12—Bobby Dukes Rock.

No. 13—Green Cove.

No. 14—Corner of the Island.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

*(Second Tier)*

- No. 15—Opposite No. 2.
- No. 16—Opposite No. 3.
- No. 17—Opposite No. 4.
- No. 18—Opposite No. 5.
- No. 19—Opposite No. 6.
- No. 20—Opposite No. 7.
- No. 21—Opposite No. 8.
- No. 22—Opposite No. 9.

*(Third Tier)*

- No. 23—Opposite No. 16.
- No. 24—Opposite No. 17.
- No. 25—Opposite No. 18.
- No. 26—Opposite No. 19.

*(Fourth Tier)*

- No. 27—Opposite No. 25.
- No. 28—Opposite No. 26.
- No. 29—Opposite No. 27.

5. No person shall set an outside net or fleet of nets, except in a direct line with an inside net or fleet of nets, and at a distance of not less than ten fathoms from the same.

6. No person shall have or make a pound on the inside end of an outside net.

7. No person shall use a single salmon net the length of which exceeds fifty fathoms, or a double salmon net or fleet of salmon nets, the length of which exceeds one hundred fathoms, that is one hundred fathoms of straight linnet, irrespective of the pound.

8. No person shall moor or set for the purpose of catching salmon, any salmon net, at a less distance than one hundred fathoms from any double salmon net or fleet of salmon nets, moored or set.

LOCAL REGULATIONS—SALMON NIPPER'S HARBOUR TO CAPE ST. JOHN

No person shall set any salmon net or salmon trap in the territorial waters of Newfoundland adjacent to that part of the Coast on the North side of Green Bay from Nipper's Harbour to Cape St. John, before noon on the 15th day of May in any year.

LOCAL REGULATIONS—SALMON ST. ANTHONY AREA

1. The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the Coast adjoining the shore from Cremallarie Island near St. Anthony, to North West Head in St. Anthony Bight, in the District of White Bay, hereinafter called the St. Anthony area, shall be subject to the control of a local salmon fishery committee.

2. The salmon net and salmon trap owners resident in the settlement of St. Anthony and no other persons shall be entitled to elect a committee and to draw for and set salmon nets and salmon traps in the berths in the said area.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

3. All salmon net and salmon trap berths in the St. Anthony area may be drawn for in manner provided by the Regulations, and licences shall be issued for all berths drawn.

4. The following berths in the St. Anthony area shall be included in the berths drawn for in that area:

- No. 1—Lower Bill of Big Cove.
- No. 2—Lower Bill of Pompey.
- No. 3—The Sinker back of Pompey.
- No. 4—Fish House Point.
- No. 5—Cartreau Point.
- No. 6—L'Anse Au John Point.
- No. 7—Deep Water Point.
- No. 8—Upper Bill of the Pig.
- No. 9—Lower Bill of the Pig.
- No. 10—High Land.
- No. 11—Fishing Point (Outside).
- No. 12—Fishing Point (Inside).
- No. 13—Opposite No. 8.
- No. 14—Opposite No. 7.
- No. 15—Opposite No. 6.
- No. 16—Opposite the Crow's Nest.
- No. 17—Opposite No. 5.
- No. 18—Opposite No. 4.
- No. 19—Partridge Point.
- No. 20—Lower Cranky Point.
- No. 21—Old Man's Neck
- No. 22—Lower Trawl Cove Point.
- No. 23—Trawl Cove Point.
- No. 24—Upper Trawl Cove Point.
- No. 25—North West Head.

5. No person shall set an outside net or fleet of nets, except in a direct line with an inside net or fleet of nets, and at a distance of not less than ten fathoms from the same.

6. No person shall have or make a pound on the inside end of an outside net.

7. No person shall use a double salmon net or fleet of salmon nets, the length of which exceeds eighty fathoms that is, eighty fathoms of straight linnets, irrespective of the pound.

8. No person shall moor or set for the purpose of catching salmon, any salmon net, at a less distance than one hundred fathoms from any double salmon net or fleet of salmon nets, moored or set.

**LOCAL REGULATIONS—SALMON ST. CAROL'S AREA**

1. The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the coast adjoining the shores from Raggedy Point on the West to French Point on the East, both inclusive, in the District of White Bay hereinafter called the St. Carol's area, shall be subject to the control of a local fishery committee.



**Newfoundland—A. The Department of Natural Resources Acts—con.**

2. The salmon net and salmon trap owners resident in the settlement of St. Carol's, and no other person shall be entitled to elect a committee for the St. Carol's area and to draw for and set salmon nets and salmon traps in the berths in the said area.

3. All salmon net and salmon trap berths in the St. Carol's area shall be drawn for in the manner provided by the Regulations, and licences shall be issued for all berths drawn.

4. The following berths in the St. Carol's area shall be included in the berths drawn for in that area:

- No. 1—French Point (Outside).
- No. 2—French Point (Inside).
- No. 3—Salmon Berth.
- No. 4—Caplin Hole Point.
- No. 5—The Hole.
- No. 6—Oil Jacket Point.
- No. 7—Raggedy Point.
- No. 8—George's Rock.
- No. 9—Second Tier, Opp. No. 2.
- No. 10—Western Cove Point.

**LOCAL REGULATIONS—SALMON BRENT'S COVE**

1. The salmon fishery prosecuted within the waters of Newfoundland adjacent to that part of the coast between the South Bill of Sleepy Line and White Rock, in the District of White Bay (hereinafter called the Brent's Cove area) shall be subject to the control of a local salmon fishery committee.

2. The salmon net and salmon trap owners resident in the Brent's Cove area and no other persons shall be entitled to elect a committee for the Brent's Cove area and to act upon such committee and to draw for and set salmon nets and salmon traps in the berths in the said area.

3. All salmon net and salmon trap berths in the Brent's Cove area may be drawn for in the manner provided by the Regulations and licences shall be issued for all berths drawn.

4. The following berths in the Brent's Cove area shall be included in the berths drawn for in that area:

- No. 1—Raggsie Point.
- No. 2—Pidgeon Cove Head.
- No. 3—Lower Office.
- No. 4—Upper Office.
- No. 5—Rub Point.
- No. 6—Brent's Cove Head (Outside).
- No. 7—Brent's Cove Head (Inside).
- No. 8—Tony's Berth.
- No. 9—Shatter.
- No. 10—Long Point.
- No. 11—Black Rock.
- No. 12—Lower Hole.
- No. 13—Upper Hole.
- No. 14—Trap Cove Point.
- No. 15—Foxy Rock.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

- No. 16—Herring Cove Point.
- No. 17—Western Point Rock.
- No. 18—Blow Hard.
- No. 19—Peter's Berth.
- No. 20—White Rock.

**8a.—Order re Mesh of Salmon Traps and Nets in Halls Bay***Notice*

## NEWFOUNDLAND FISHERIES BOARD

By resolution of the Board, as provided under Clause two (2) of the Rules and Regulations respecting the Salmon Fishery effective March 31, 1939, Salmon nets or traps, the meshes or scales of which are not less than  $4\frac{1}{2}$  inches, may be used in the waters of Halls Bay, inside a line drawn from Salt Pond Island on the North side of the Bay, to Burnt Head on the South side.

Dated at St. John's, Newfoundland, this 13th day of June, A.D. 1939.

NEWFOUNDLAND FISHERIES BOARD,

L. R. BROOKS,

*Secretary.*

**9.—Seal Meat Packing Regulations***Licensing of Cannerys*

1. The Newfoundland Fisheries Board, upon application made in writing by any person for a licence to pack seal meat in any factory, may issue a licence for the packing of seal meat to such applicant in the said factory.

2. (1) Every such licence shall be valid only for the packing of seal meat in the factory for which it is issued, which shall be stated in the said licence.

(2) Every such licence shall be valid only from 1st December in the year in which it is issued to 31st May next following.

(3) Licences shall be numbered.

3. No person shall can or otherwise preserve seal meat at any place in Newfoundland, unless he is the holder of a licence to pack seal meat issued and valid under these Regulations: Provided that this regulation shall not apply to any person who shall can or otherwise preserve seal meat for consumption by himself or members of his household or otherwise for purposes not being sale, export or other commercial transaction.

4. Every licence holder shall, at the end of the season and not later than ten (10) days after the closing of his factory, send a return to the Newfoundland Fisheries Board, on a form to be provided by the said Board, setting out such information as may be required by the said form with respect to the season's operations.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

5. The Newfoundland Fisheries Board shall be entitled to require payment of a fee of two dollars (\$2.00) before the issue of any licence to pack seal meat and to require that application for a licence be made upon a form to be supplied by the Board and that application be made not later than the last day of October in any year for a licence for the ensuing season.

*Inspection*

6. In these regulations "inspector" means any person for the time being authorized or appointed by the Newfoundland Fisheries Board as an inspector for the purposes of these regulations.

7. It shall be the duty of inspectors:

- (a) To inspect any place in respect of which application is made to be used as a factory for the canning or preserving of seal meat.
- (b) To inspect every place for the canning or preserving of seal meat and the equipment used therein and to enquire into and ascertain the methods used for the canning and preserving of seal meat and the sanitary precautions taken and other matters in connection therewith.
- (c) To inspect seal meat packed in containers wherever found and all places and containers wherein seal meat is packed, or intended to be packed, and to open and examine any number of cans or other containers of seal meat, out of any quantity in any factory, or in any place for sale or export, in order to ascertain the quality thereof.

8. The Newfoundland Fisheries Board may refuse to grant a licence to pack seal meat when an inspector reports that the factory to be used for the packing of seal meat is unsuitable for that purpose as defined herein. Any place shall be deemed unsuitable for the packing of seal meat if it fails to comply with the following requirements:

- (a) The building must be self-contained and of adequate size and otherwise approved by the Newfoundland Fisheries Board. The walls and ceiling must be thoroughly clean and whitewashed or otherwise made suitable. All windows and doors and other openings must be screened with wire or muslin. The building must also be properly ventilated.
- (b) The grounds surrounding the factory, to the extent of twenty-five (25) yards in every direction from the proposed factory, shall be clean and free from objectionable matter.
- (c) All floors must be watertight and such as can be readily kept clean and must be situated above high water mark.
- (d) The complete packing process must be carried out under cover.
- (e) All factories must have a plentiful supply of clean water.
- (f) All factories must be supplied with adequate equipment for handling, washing, packing and processing seal meat in a sanitary manner. This equipment shall include:
  - (i) Suitable separate tables for dressing, cutting and packing.
  - (ii) Suitable utensils for dressing and cutting, including saws and knives.
  - (iii) Suitable equipment for washing the dressed meat.
  - (iv) Suitable equipment for draining the washed meat.



**Newfoundland—A. The Department of Natural Resources Acts—con.**

- (v) Suitable containers for offal and refuse.
- (vi) One clock and one weighing machine in good order.
- (vii) Pans, soap, brushes, towels and other necessary equipment for personnel use.
- (viii) Suitable equipment for factory.
- (ix) An approved exhaust box, sealing machine and processing retort and suitable equipment for cooling the processed cans.

9. The Newfoundland Fisheries Board may, by order in writing, suspend the licence of any licence holder whose factory does not continue to comply with the requirements set out in Regulation 8 hereof or which is not kept clean, and such suspension shall continue in effect until the Board shall be satisfied that the defects have been remedied.

10. The Newfoundland Fisheries Board may by order in writing suspend a licence which has been issued to pack seal meat if an inspector reports that the methods of packing seal meat in the licensed factory are not proper methods and such suspension shall continue in effect until the Board shall be satisfied that proper methods have been adopted.

11. The following shall be considered the proper method of packing seal meat and no other method shall be deemed a proper method unless it is equally sanitary and effective for the best preservation of seal meat and has been approved by the Newfoundland Fisheries Board.

- (a) (i) Only choice, fresh or frozen meat from healthy animals from three weeks to three years old, caught in such a manner as to ensure bleeding after slaughter, free from animal heat, sound and fit for human consumption shall be packed.
- (ii) (aa) The proportion of bone in flippers shall be kept at a minimum and toe portions shall not be packed.
- (bb) Only edible parts of the carcass shall be packed and shall contain no bones.
- (iii) In dressing the carcass care must be taken to prevent contamination of the meat to be canned by unnecessary contact with viscera, entrails and excess blood.
- (iv) Where bones are to be cut they shall be sawn not broken by hand or chopped.
- (v) The meat for packing shall be washed free of excess blood in clean fresh water immediately after cutting and shall be drained of excess water before packing into cans.
- (vi) The clean meat may be parboiled to shrink the meat and facilitate packing into cans.
- (vii) Meat that has been packed into cans and left over night without being sterilized shall be destroyed.
- (b) No person shall pack seal meat in sealed containers unless they are sealed and sterilized in the following manner or by any other method approved by the Newfoundland Fisheries Board.

(i) EXHAUSTING

All cans of seal meat shall be exhausted in an approved manner before sealing or processing either by the means of mechanical vacuum or by heating with lids placed loosely in position, but not sealed, for twenty minutes in a simple boiling water or steam exhaust box.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

(ii) SEALING

The exhausted cans shall be sealed by means of an approved sealing machine and in the case of cans exhausted by heat or an exhaust box shall be sealed while hot. The sealed cans shall be processed without delay.

(iii) PROCESSING

The cans shall be placed in a retort and so processed as to make sure that the contents are thoroughly cooked and commercially sterile. Such process shall consist of heating or cooking for one hundred minutes at ten pounds steam pressure per square inch or its equivalent.

(iv) COOLING

The cans shall be cooled rapidly with cold fresh water and then dried thoroughly.

(v) STORAGE

The cans shall be stored in a cool dry place.

- (c) In no case shall cans which have been processed and which later have developed leaks be resealed or reprocessed.

**12.** (1) If an inspector at any time finds any seal meat, in any container or otherwise, in any factory or elsewhere, which appears to him to be unwholesome or of inferior grade, or to have been packed in a defective container, or finds any defective container used or intended to be used for the packing of seal meat, he may declare to the owner thereof or to the person in whose possession the same may be, his intention of seizing and carrying away the same himself, or by assistants, to be destroyed.

(2) The owner, or any person in whose possession the same may be, may then and there object to the said proposed destruction and declare to the inspector in writing his desire to have the matter referred to a stipendiary magistrate.

(3) Upon such a declaration by the owner or person in possession the inspector may seize the seal meat claimed to be unwholesome or inferior with its containers and all defective containers and any other containers of seal meat which may reasonably be suspected to be of like unwholesome or inferior quality and take the same forthwith before a stipendiary magistrate who shall summarily and without any formal procedure, after having offered the owner or person in possession an opportunity of being present, view the said seal meat or the containers thereof and any defective containers seized and may require any further examination he shall think necessary and shall either confirm the decision of the inspector, in which case the seal meat and containers seized shall be destroyed or disposed of as the magistrate may direct, or he may reverse the decision of the inspector, in which case the person from whom the seizure was made may forthwith resume possession of the goods seized.

(4) If the owner or person in possession does not declare in writing his desire to have the matter referred to a magistrate, the inspector may seize and carry away any or all of such goods himself, or by assistants, and, without any reference to a magistrate, order them to be destroyed.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

13. If, after being requested to do so by an inspector, any person who has in his possession or under his control any canned or preserved seal meat, or who is the holder of a licence to pack seal meat, refuses or omits,

(a) to show the inspector the place in which seal meat is stored; or

(b) to admit the inspector into the factory licensed to pack seal meat; or

(c) to show the inspector all equipment in such factory and the methods used in such factory;

he shall be guilty of an offence against these regulations.

14. When a licence is suspended hereunder it shall be invalidated for the period of suspension and the licence holder shall return his licence to the Newfoundland Fisheries Board. The Newfoundland Fisheries Board shall restore the licence upon being satisfied that the cause of suspension has ceased during the packing season.

15. If any person is dissatisfied with the decision of the Board in suspending a licence, or in refusing to restore during the packing season a licence suspended, he may apply by way of appeal to a stipendiary magistrate who shall, after a summary investigation, either confirm or reverse the finding of the Board as to whether sufficient cause exists for the refusal to restore a licence or for the suspension of a licence.

16. Before suspending a licence the Board shall give to the licence holder fourteen days' notice of its intention and suspension shall not have effect until the expiry of the said fourteen days.

17. Where notice of suspension has been given to a licensee, a stipendiary magistrate may, on the application of an inspector, make an interim order that the licensee cease to sell, export or otherwise dispose of any seal meat packed by him pending the hearing by way of appeal and upon each contravention of such order the licensee shall be guilty of an offence against the regulations.

18. Licences shall not be suspended for casual or minor or accidental departure from a proper method of manufacture.

*General*

19. The Newfoundland Fisheries Board shall supply to every licence holder upon payment of the cost price thereof an embossing machine and every packer shall by means of the machine supplied to him emboss upon or insert in every container in which seal meat is packed the number of his licence. In case of cans the number shall be embossed upon the cover of each can and in the case of glass containers the number shall be embossed on genuine parchment paper enclosed on the top of the contents and under the cover.

20. No person shall sell or purchase in Newfoundland or export any canned or otherwise preserved seal meat unless every can or glass container has the packer's licence number embossed upon it or contained in it as prescribed above.

21. No licence holder shall allow the embossing machine supplied to him to be used except to emboss cans packed by or under him in the factory in respect of which his licence is issued.



**Newfoundland—A. The Department of Natural Resources Acts—con.**

**22.** No person shall export seal meat packed in cans in Newfoundland unless the word "Newfoundland" is embossed upon each can nor in any other container unless the word "Newfoundland" appears in each container.

**23.** (1) No person shall export seal meat in any case or package unless there is stencilled thereon the licence number of the packer whose cans or other containers are therein contained.

(2) No person shall export seal meat in any case or package containing cans or other containers from more than one factory unless there is stencilled on such case or package the words "Sundry Packers" and the licence numbers of the several packers whose cans or other containers are therein contained.

**24.** No person shall pack seal meat in cans unless they are of the sanitary type and of standard size.

**25.** No person shall pack seal meat for sale or export or other commercial use in cans unless the can be of such size to contain, and shall contain, a minimum net weight of sixteen ounces of finally processed seal meat.

**26.** The holder of a licence to pack seal meat shall at all times keep the said licence prominently displayed in the licensed factory and shall, upon request, produce the same for the inspection of any inspector or of any justice of the peace, fishery inspector, sub-collector, preventive officer, constable or ranger.

**27.** The holder of every licence shall, upon request by an inspector, open cases, packages or other covering in which cans or containers of seal meat are packed.

**28.** Any buyer of canned seal meat, purchasing for resale who finds in his purchase of canned seal meat any defective cans shall notify the Newfoundland Fisheries Board of the quantity and licence number of the same and shall hold the same until they shall have been examined and the defects certified by an inspector who shall destroy the contents thereof.

**NOTE.**—The penalty for a breach of any of the foregoing regulations as provided by the Department of Natural Resources Act, 1934, as amended, is a fine not exceeding \$200.00 or, in default of payment, imprisonment for a period not exceeding three months.

**10. Squid Fishery Regulations**

**1.** The Newfoundland Fisheries Board upon application made in writing by any person for a licence to engage in the business of the export of dried squid may issue a licence to export dried squid.

**2.** Licences shall be numbered and shall be valid only until the 31st day of December next ensuing after the issue thereof.

**3.** The Newfoundland Fisheries Board shall be entitled to require payment of the fee of two dollars before the issue of a licence to export dried squid and to require that application be made upon a form to be supplied by the Board.

**4.** No person shall export dried squid from Newfoundland unless he is the holder of a licence to export dried squid issued and valid under these Regulations.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

5. Every licence holder shall not later than ten days after the expiration of his yearly licence send a written notice to the Newfoundland Fishery Board on a form to be provided by the said Board setting out such information as may be required by the said form with respect to the curing and export of dried squid by him during the period of his licence.

6. (1) The Newfoundland Fisheries Board, upon application made by any person for a licence to pack dried squid, may issue a licence for the packing of dried squid to such applicant.

(2) The Newfoundland Fisheries Board may require that application for such licence be made upon a form to be supplied by the Board.

6A. (1) Every such licence shall be valid only until the 31st day of December next ensuing after issue thereof.

(2) Every such licence shall be numbered, and the number of his licence shall be stencilled or branded on every case or package in which dried squid is packed by any licence holder.

6B. No person shall pack dried squid unless he is the holder of a licence to pack dried squid issued and valid under these Regulations.

*Inspection*

7. In these Regulations "Inspector" means any person for the time being authorized or appointed by the Commissioner for Natural Resources or the Newfoundland Fisheries Board as an Inspector for the purposes of these Regulations.

8. It shall be the duty of Inspectors upon application made in writing by any person licensed to export dried squid requesting the inspection of dried squid upon the premises of the licensed exporter or upon other suitable premises at the port from which dried squid is to be exported to proceed to inspect the same.

9. Inspectors shall upon inspection examine at least one out of every ten packages and the contents thereof and may examine all.

10. Upon being satisfied that dried squid entered to be examined is of first class quality the Inspector shall give an inspection certificate to the exporter, which certificate shall set out the number of packages inspected and passed, the date of inspection and the name of the Inspector.

11. Inspectors shall stencil or brand upon every package of dried squid passed by them the words "Inspected Sundried Squid" and shall stencil their names or initials on every such package and the date on which inspection was made.

12. No Inspector shall stencil or brand any package as provided in the previous section or shall issue any inspection certificate in respect of any package unless he has examined the same and he has ascertained thereby that the package contains dried squid which is perfectly dry and clean and free from all dun, mold or pink.

13. An Inspector may require to be satisfied as to the methods which have been used in the curing of squid offered for export and may make

**Newfoundland—A. The Department of Natural Resources Acts—con.**

such enquiries as may be necessary in that behalf and may refuse to stencil or brand any package or issue any inspection certificate until satisfied in that behalf and that the methods used in the curing and packing of the squid offered for export were proper methods.

**14.** The following shall be considered the proper method of curing and packing squid and no other method shall be deemed a proper method unless it is equally sanitary and effective for the best preservation of squid:—

- (a) Squid which cannot be split within one hour after being caught shall be kept in clean sea water until dressing operation begins.
  - (b) Squid shall be split and cleaned within ten hours after being caught.
  - (c) Squid must be split open from the top of the head to the point of the tail, the entrails, beak and eyes must be removed.
  - (d) The fish must be washed thoroughly in three changes of clean sea water. To the last change of sea water pure clean lime water shall be added in the proportion of one gallon of lime water to twenty gallons of sea water. The lime water must be made by placing a quantity of lime in a pork barrel or other suitable container, filling it with sea water, stirring vigorously for a few minutes, allowing the lime to settle at the bottom, and dipping off the required quantity of pure lime water when the liquid is completely clear.
  - (e) After being washed the squid must be placed face upwards on the drying flake and spread out perfectly smooth and flat.
- (NOTE—Wire drying frames are preferable).
- (f) After the first day of exposure to the sun the tentacles of each squid must be opened out.
  - (g) After two good days of sun the squid shall be placed in a flat pile indoors, and left there for at least three days.
  - (h) After this they shall be spread again in the sun for three days, alternately back and face up.
  - (i) Squid may not be dried entirely by artificial means but as an alternative to the foregoing requirements of drying in the sun the drying process may be completed by artificial means in any case when they have been exposed to dry for at least one day in the sun in weather suitable for the drying of squid.

(NOTE—Care must be taken not to have too great a heat when drying by artificial means).

- (j) Squid shall be packed only in a very dry place.
- (k) Squid shall be packed perfectly flat.
- (l) Squid shall be stored only in a very dry place.

**15.** No person shall export dried squid unless it has been inspected as provided herein and an inspection certificate has been issued in respect thereof.

**16.** No person shall export dried squid except in new packages or in such other packages as have been approved by the Newfoundland Fisheries Board.

**17.** No person shall export dried squid unless it is contained in packages which have been branded and stencilled as provided herein.



**Newfoundland—A. The Department of Natural Resources Acts—*conc.***

**18.** Squid which has not been exported within thirty days after the date of inspection shall be reinspected before shipment is made. Inspectors shall upon reinspection examine at least one out of every ten packages and the contents thereof of quantities packed under each licensed packer's number.

**19.** The fee for inspection of squid shall be one-tenth of a cent per pound net weight of squid and shall be charged upon the quantity exported.

**20.** The exporter shall at the time of passing the export duty required by the Customs Act present the inspection certificate on his licence to export and shall pay the inspection fee to the Customs Officer to whom the export entries are delivered.

**21.** All previous Regulations relating to dried squid existing at the date of the passing of these Regulations are hereby repealed.

NOTE—The penalty for a breach of any of the foregoing Regulations as provided by the Act 36 of 1936 entitled "An Act to amend the Department of Natural Resources Act, 1934", is a fine not exceeding two hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

**11. Turbot Fishery Regulations**

**1.** The Newfoundland Fisheries Board upon application made by any person for a licence to export pickled turbot, may issue a licence for the exporting of pickled turbot to such applicant.

**2.** (1) Every such licence shall be valid only until the 31st day of December next ensuing after the issue thereof.

**3.** Every licence holder shall, not later than the 10th day of January in each and every year in which he holds a licence to export pickled turbot, make a return to the Newfoundland Fisheries Board upon a form to be provided by the Board, showing the results of the previous year's operations.

**4.** No person shall export pickled turbot unless he is the holder of a licence to export pickled turbot issued and valid under these Regulations.

**5.** The Newfoundland Fisheries Board shall be entitled to require payment of a fee of \$2.00 before the issue of any licence to export pickled turbot, and to require that application be made upon a form to be supplied by the Board.

**5A.** (1) The Newfoundland Fisheries Board, upon application made by any person for a licence to pack pickled turbot, may issue a licence for the packing of pickled turbot to such applicant.

(2) The Newfoundland Fisheries Board may require that application for such licence be made upon a form to be supplied by the Board.

**5B.** (1) Every such licence shall be valid only until the 31st day of December next ensuing after the issue thereof.

(2) Every such licence shall be numbered; and the number of his licence shall be stencilled or branded on every barrel in which pickled turbot is packed by any such licence holder.

**5C.** No person shall pack pickled turbot unless he is the holder of a licence to pack pickled turbot issued and valid under these Regulations.

**Newfoundland—A. The Department of Natural Resources Acts—con.**

*Inspection*

6. In these Regulations "Inspector" means any person for the time being authorized or appointed by the Commissioner for Natural Resources or the Newfoundland Fisheries Board as an Inspector for the purposes of these Regulations.

7. It shall be the duty of Inspectors:

- (a) To inspect, not more than 30 days prior to export, all pickled turbot prepared for export; provided that all pickled turbot inspected but not exported within 30 days of inspection shall be re-inspected before being exported.
- (b) To inspect pickled turbot only on the premises of the holder of a licence to export pickled turbot or on suitable premises at the port from which the pickled turbot is to be exported.
- (c) To inspect all containers wherein pickled turbot is packed or intended to be packed, and to stencil or brand as "Newfoundland No. 1" every sound container containing pickled turbot perfectly clean and of good sound quality.
- (d) To brand as "Seconds" every container containing pickled turbot not up to "Newfoundland No. 1" standard, but otherwise fit for the food of man.
- (e) To give to the licence holder an inspection certificate showing the number of barrels inspected and passed in each grade, the date of inspection and the name or initials of the Inspector, and to stencil or brand each barrel inspected with the date of inspection and the name or initials of the Inspector.
- (f) To condemn as unfit for export, by refusing to brand as "Newfoundland No. 1" or as "Seconds", any pickled turbot below the grade of "Seconds" as defined by Subsection 1 (d) of this section.

8. No person shall export pickled turbot unless it has been inspected as provided herein and an inspection certificate has been issued in respect thereof, and the barrels in which it is contained branded in accordance with Section 7 hereof.

9. No person shall export pickled turbot unless it has been inspected or reinspected by an inspector within thirty days of the date of export.

10. The fee for inspection shall be ten cents per barrel to be paid by the owner of the pickled turbot so inspected to a Customs Officer in accordance with Section 14 of these Regulations.

*Pickling*

11. The following shall be considered the proper method of pickling turbot and no other method shall be deemed a proper method unless it is equally sanitary and effective for the best preservation of turbot:

- (a) Immediately after the turbot is landed and before it is dressed it shall be washed thoroughly in pickle.
- (b) The entrails must be removed carefully and all blood must be removed from the bone; the bone itself must be left intact.
- (c) After being split, the turbot must be washed again and salted in a heavy brine solution with one quarter of a hogshead of salt per barrel of turbot.

**Newfoundland—A. The Department of Natural Resources Acts—conc.**

- (d) The turbot must be left in salt for at least 12 days so as to allow the salt to strike into the turbot.
- (e) When the turbot is ready for packing each fish shall be dipped in fresh pickle to remove the old salt and dirty pickle.

**12.** Containers used for pickling must be thoroughly washed after each using and must at all times be kept clean.

*Packing*

**13.** The following shall be considered the proper method of packing pickled turbot and no other method shall be deemed a proper method unless it is equally sanitary and effective for the best preservation of pickled turbot.

- (1) (a) The bottom of each barrel in which pickled turbot is to be packed shall be covered with new salt.
- (b) The turbot shall be placed back down, except the last two tiers of turbot, which shall be placed back up, and each tier of turbot shall receive its proportion of new salt.
- (c) When each barrel has been filled with turbot, new pickle shall be put in before the head is placed on the barrel and when the barrel is coopered it shall be filled with new pickle through the bung hole.
- (d) After inspection the barrel shall be filled up again with new pickle.

(2) All pork or beef barrels used for shipping pickled turbot shall be thoroughly washed with warm soda water; all cracked staves must be removed and replaced with sound staves.

(3) All soft wood barrels used for shipping pickled turbot must be treated as set out in Subsection (2) of this Section, each such barrel must be twenty-nine (29) inches long and fitted with a seventeen and one-half ( $17\frac{1}{2}$ ) inch cut head.

(4) Every barrel when ready for export must contain two hundred (200) pounds of turbot net weight and to ensure such net weight two hundred and ten (210) pounds of turbot should be placed in each barrel.

(5) Pickled turbot shall be packed for export only in soft or hard wood barrels.

**14.** Every exporter of pickled turbot shall, prior to exportation, at the time of passing the export entry required by the Customs Act, present the certificate of inspection received from the Inspector in accordance with Section 7(1) (e) of these Regulations, and his licence to export, and pay the inspection fee to the Customs Officer to whom the export entries are delivered.

**15.** All previous regulations relating to turbot existing at the date of the passing of these Regulations are hereby repealed.

NOTE—The penalty for a breach of any of the foregoing Regulations as provided by the Act 36 of 1936, entitled “An Act to amend the Department of Natural Resources Act, 1934,” is a fine not exceeding two hundred dollars or in default of payment to imprisonment for a period not exceeding three months.



**B. THE FISH OIL AND MEAL ACT, 1938****Regulation re Herring Oil and Meal Manufacturing Licence**

The following Regulation has been made by me under and by virtue of the provisions of the Fish Oil and Meal Act, 1938, and was approved by His Excellency the Governor in Commission on the 3rd day of October, A.D. 1941.

P. D. H. DUNN,  
*Commissioner for Natural Resources.*

The fee payable for the issue of a licence to manufacture herring oil and herring meal shall be the sum of \$50.

**Statutory orders and regulations continued in force under  
Term 22 and which were in effect on December 31, 1949**

By paragraph (2) of Term 22 the Newfoundland Fisheries Board Acts, 1936-44, the Newfoundland Fisheries Board (Supplemental Powers) Act, 1936, and The Exportation of Salt Fish (Permits) Act, 1942, insofar as they relate to the export marketing of salted fish from Newfoundland to other countries or other provinces, and all orders, rules and regulations made thereunder shall continue in force in the Province of Newfoundland as if Union had not been made, for a period of five years from the date of Union and thereafter until the Parliament of Canada otherwise provides, and shall continue to be administered by the Newfoundland Fisheries Board. By paragraph (4) of Term 22 all orders, rules and regulations made under the authority of any of these statutes may be revoked or altered by the body or person that made them or, in relation to matters to which paragraph (3) applies, by the body or person that under paragraph (3) has power to make such orders, rules or regulations under these statutes after the date of Union. The following are the statutory orders and regulations continued in force under this Term and which were in effect on December 31, 1949:

**C. NEWFOUNDLAND FISHERIES BOARD ACTS, 1936-44**

1. *Codfish Report Regulations, 1945.*
2. *Fish Culling Regulations.*
3. *Grading and Inspection of Salted Fish for Export Regulations.*
4. *Herring Regulations*
5. *Regulations re Licence Fee under Newfoundland Fisheries Board Act.*
6. *Regulations re Qualifications and Conditions for Export Licences.*
7. *Regulations re Reports by Salt Codfish Exporters.*
8. *Regulations re Publication of Exporters' Reports.*
9. *Notice re Export of Dried Squid.*
10. *Rule re Licence Payments to Salt Codfish Association.*
11. *Notice to Exporters re Newfoundland Associated Fish Exporters Ltd.*

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued****1.—Codfish Report Regulations, 1945**

1. The Master or owner of every ship, vessel, schooner, craft or boat, which arrives at any port in Newfoundland from the Labrador fishery or the deep sea fishery, shall, within forty-eight hours after arrival, report to the Newfoundland Fisheries Board in manner prescribed by it stating the quantity in quintals of one hundred and twelve pounds of fish on board on arrival.

2. As part of his report the said master or owner shall state whether the number of quintals referred to is reckoned as of dry fish, Labrador fish, salt bulk or fresh fish, or otherwise as the case may be; and shall state whether it is his intention to cure such fish, if the same be not cured, as soft Labrador, dry Labrador or dry shore.

3. Any such master or owner who fails to report as aforesaid or wilfully reports incorrectly, shall be liable on summary conviction to a fine of not less than ten dollars nor more than one hundred dollars or in default of payment to imprisonment for a period not exceeding one month.

4. In publishing information or statistics concerning the fisheries the Newfoundland Fisheries Board shall not be bound to make public the name or catch of any ship, vessel, schooner, craft or boat.

5. These Regulations may be cited as the Codfish Report Regulations, 1945.

**2. Regulations Respecting the Culling of Fish**

1. For the purpose of these regulations—

- (a) Dried salt codfish shall include all salt codfish dried or partly dried by natural or artificial means; but not salt bulk fish or fish which has been washed out of salt bulk and pressed but not subjected to any drying process.
- (b) "Culler" shall mean a culler licensed and sworn under any statute in that behalf for the time being in force.
- (c) "Sale" shall mean sale of a quantity of dried salt codfish weighing not less than two quintals.

2. No person shall agree to buy or sell, or shall buy or sell, in Newfoundland any dried salt codfish, save on the basis that a specific price shall be paid for fish of each of the grades, either of hard cured fish or soft cured fish, as the case may be, set out in these regulations.

3. Notwithstanding the provisions of paragraph 2 of these regulations, fish which has previously been delivered by a seller to a buyer and which has at the time of delivery been culled by a culler into the grades specified in these regulations and has thereupon forthwith been packed in containers and marked or branded with words indicating that it is of some kind, size and quality recognized in the export trade may be bought and sold on the basis of a price applicable to fish of the kind, size and quality indicated by such mark or brand.

4. No sale shall, save as in these regulations otherwise provided, be completed by delivery unless the fish shall at the time of delivery be culled by a culler into the respective grades set out in these regulations.

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

5. Notwithstanding the provisions of paragraph 4 of these regulations, fish which has been previously delivered by a seller to a buyer and which has at the time of delivery been culled by a culler into the grades specified in these regulations and has thereupon forthwith been packed in containers and marked or branded with words indicating that it is of some kind, size and quality recognized in the export trade may be delivered in pursuance of a sale without further cull.

6. No dried salt codfish shall be culled save on a culling board; and each fish shall be handled and viewed separately by the culler for the purposes of the cull.

7. Any inspector appointed by the Newfoundland Fisheries Board shall have the right at all reasonable times to be admitted into any premises wherein fish is bought, sold, stored, packed, marked or branded, and to be present at the culling, packing, marking or branding of any fish or packages of fish, and every culler and other person therein engaged shall in culling, packing, marking or branding comply with the directions of such inspector. A refusal to admit any inspector to any premises shall be an offence against these regulations on the part of the owner or occupier of the premises; and a refusal or neglect to comply with the directions of the inspector on the part of any such culler or other person so engaged shall be an offence against these regulations on the part of such culler or other person, and in the case of a culler shall subject him to the forfeiture of his cullers' licence.

8. Dried salt codfish shall be divided into the following classes:

- (a) Hard Cured.
- (b) Soft Cured.

9. Hard cured fish shall be culled into grades according to the following standards.

- (a) *Choice*: (Spanish) Sound quality fish, fairly hard dried, extra thick, good pale amber colour, flesh somewhat translucent in appearance, smooth surface, well split, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or any salt on face.
- (b) *Merchantable*: Sound quality fish, reasonably thick, hard dried, smooth surface, well split, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or excessive salt on face.
- (c) *Maderia*: Sound quality fish, hard dried, not up to the standard of merchantable, but not oversalted, broken, sunburnt, slimy, dun or otherwise defective. May be slightly rough in appearance.
- (d) *West India*: Hard dried not falling into any of the above grades.
- (e) Fish otherwise of the description of the above grades but not thoroughly dried shall be described as Damp Choice, Damp Merchantable, Damp Maderia or Damp West India as the case may be.

10. The classification of sizes for all Short and/or Bank codfish shall be as follows:—

- (a) *Tomcods*: Codfish not under 8 inches and up to and including 12 inches in length.
- (b) *Small*: Codfish over 12 inches and up to and including 18 inches in length.
- (c) *Large and Medium*: Codfish over 18 inches in length.

The above measurements are to be taken from the base of the neck to the third joint of the tail.



**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

**11.** Codfish caught in the Coast of Labrador and soft cured and fish caught North of Goose Cape on the Northeast coast of Newfoundland and North of Flower's Cove on the North-west Coast of Newfoundland and cured in Labrador style may be described as genuine Labrador fish and shall be culled into grades according to the following specifications:

*No. 1*—Sound quality fish, well pressed, firm and heavily salted; nearly or quite white, with clean and clear surface; free from slub or slime on face and back; well split, not showing blood stains, clots, liver or gut. Exceedingly thin fish ("slinks") shall not be classed as No. 1.

*No. 2*—Sound quality fish, well pressed, firm and heavily salted; nearly or quite white, with clean surface; not up to the standard of No. 1 because of all or any of the following faults—badly split, uneven surface, slight traces of slub or slime on back, slight blood stains.

*Standard Grade*: Consisting of either No. 1 or No. 2 or a mixture of both, divisible into the following cures:

- (a) Ordinary cure, which shall consist of fish having a moisture content over 45 per cent up to and including 48 per cent;
- (b) Semi-dry cure, which shall consist of fish having a moisture content over 43 per cent up to and including 45 per cent.

*Cullage*: All fish not up to the description of Standard Grade including fish undersalted, skin-heated, broken or damaged or very badly split, or showing heavy slub or slime on face or back, or serious blood stains or clots, liver or gut.

**12.** Fish caught elsewhere than in the area prescribed in Paragraph 11 and soft-cured shall be sold only under the name of Newfoundland Soft Cured Codfish and shall not be described as Labrador fish for the purposes of sale; and shall be culled into the same grades and according to the same standards as are set out in the case of genuine Labrador fish.

- 13.** (a) Where a purchase of salt codfish includes any of the grades set out in Section 9 hereof, a separate price shall be paid by the purchaser for each separate grade, and said prices to be on a descending scale in the order of Choice, Merchantable, Madeira, or West India respectively.
- (b) Where a purchase of salt codfish includes any of the grades set out in Section 11 hereof a separate price shall be paid by the purchaser for each separate grade, and said prices to be on a descending scale in the order of Number One, Number Two, or Cullage respectively.

**14.** If any person commits a breach of any of these regulations, that person shall be liable on summary conviction to imprisonment for a term not exceeding one month, or if the Court thinks that, having regard to the special circumstances of the case a fine would be an adequate punishment for the offence, to a fine not exceeding two hundred dollars, and in default of payment, to imprisonment not exceeding one month.

### **3. Regulations Respecting the Grading and Inspection of Salted Fish for Export**

**1.** For the purposes of these regulations:

- (a) "Acts" shall mean the Newfoundland Fisheries Board Acts, 1936-44.

**Newfoundland—C. Newfoundland Fisheries Board Acts—*continued***

- (b) "culler" shall mean a culler licensed and sworn under the provisions of the Acts or any regulations made thereunder.
- (c) "fish" shall mean salted fish of any of the following kinds: codfish, haddock, hake, ling, pollock and cusk and shall include:
  - (i) saltbulk fish and fish which has been washed out of saltbulk and pressed but not subjected to any drying process;
  - (ii) fish dried or partly dried by natural or artificial means.
- (d) "grade" or "grading" shall mean the assortment or assorting of fish in accordance with the standards required for the market or markets to which such fish is intended to be exported.
- (e) "inspector" shall mean an inspector appointed by the Newfoundland Fisheries Board.
- (f) "licensed exporter" shall mean a body or person to whom an annual licence to export fish has been issued under the Acts.

2. No person, other than a culler, shall grade fish for export and no fish shall be exported until it has been graded for export by a culler.

3. No fish shall be graded for export or inspected by an inspector for export except on premises of licensed exporters approved by the Board as suitable for such grading and inspection.

4. An inspector may, in his discretion, prohibit grading of fish for export if, in his opinion, conditions do not permit of efficient inspection.

5. Any inspector shall have the right at all reasonable times to be admitted into any premises wherein fish is graded, stored, packed, marked or branded for export and to be present at the grading, packing, marking or branding of any fish or packages of fish for export, and every culler and other person therein engaged shall in grading, packing, marking or branding of fish for export comply with the directions of such inspector. A refusal to admit any inspector to any premises shall be an offence against these regulations on the part of the owner or occupier of the premises; and a refusal or neglect to comply with the directions of the inspector on the part of any culler or other person so engaged shall be an offence against these regulations on the part of such culler or other person and, in the case of the culler, shall, in addition to any fine or punishment imposed by these regulations, subject him to the forfeiture of his culler's licence by the Board.

6. Any person who commits a breach of any of these regulations shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding two hundred dollars, and, in default of payment, to imprisonment for a term not exceeding one month.

**4.—Herring Regulations**

1. In these Regulations—

- (a) "Commissioner" means Commissioner for Natural Resources, or in his absence such other Commissioner as shall be appointed in his stead by the Governor in Commission.
- (b) "Board" means the Newfoundland Fisheries Board.
- (c) "Inspector" means any person for the time being authorized by the Commissioner or the Board to act as an inspector for the purposes of these Regulations.

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

2. No person shall, in any year, during the period specified in this paragraph, take any herring from, or set any herirng net, trap or seine in;

(1) The waters in Placentia Bay enclosed by a line drawn from Placentiaman's Point on the Mainland to Maggoty Cove Point on Sound Island, and by a line drawn from Sound Island Point on the Southern side of Sound Island to Hardy's Cove on Woody Island, to the Western Point thence in a straight line to La Plante on the mainland.—Between the first day of March and the fifteenth day of July, both inclusive.

(2) The waters of Placentia Harbour inside a straight line drawn from the old Ferry wharf site on the North side of the main gut to Collins' Point on the South side.—Between the fifteenth day of April and the fifteenth day of July, both inclusive.

(3) The waters of Placentia Sound inside a straight line drawn from North Bill of Isaacs to Virgins Point.—Between the fifteenth day of April and the fifteenth day of July, both inclusive.

(4) The waters of Ship Harbour inside a straight line drawn from Sparrow's Head to Dick George's Point.—Between the fifteenth day of April and the fifteenth day of July, both inclusive.

(5) The waters of Long Harbour inside a straight line drawn from the outside end of Crawley's Island to the Keys.—Between the fifteenth day of April and the fifteenth day of July, both inclusive.

(6) The waters of St. Croix Bay inside a line drawn from Cullen's Point to Little Head.—Between the fifteenth day of April and the fifteenth day of July, both inclusive.

(6A) In the territorial waters of Newfoundland on the North East coast between Cape Freels in the district of Bonavista North and Cape Bauld.—Between the tenth day of June and the fifteenth day of July, both inclusive.

(6B) The waters of Long Harbour, Fortune Bay, inshore of a line drawn from Cock and Hen Hole on the West to Witch Hazel Point on the East—throughout the year.

(7) Any other portion of the territorial waters of Newfoundland.—Between the fifteenth day of May and the fifteenth day of July, both inclusive.

Provided that this paragraph shall not apply to:

- (a) The taking by any person of herring to be used, and which are in fact used for bait purposes or for home consumption by himself and his family.

2A. Notwithstanding the provisions of Regulation 2 of these Regulations herring may be taken from any of the areas mentioned in the said Regulation or from any herring net, trap or seine set in any such areas during such periods or for such purpose or in such manner as the Board may from time to time declare by Order published in the *Newfoundland Gazette*.

3. No person shall throw or deposit in the territorial waters of Newfoundland, any dead herring, or the heads, entrails, bones or offal of any kind.

4. No person shall take or have in his possession herring spawn for any purpose whatever.



**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

5. No person shall use any herring net for the catching of herring for packing purposes the meshes of which are less than two and three-quarter inches.

Notwithstanding the provisions of this Regulation, a herring trap with meshes less than two and three-quarter inches may be set for the catching of herring for packing purposes.

6. In any case in which a seine has been shot around a school of herring in any place in which herring nets have been set in such a position as to prevent the hauling of such seine, the owner or owners of any such nets shall remove his or their nets on demand of the seine owner or his agent, and if the owner of the herring nets be not present, or shall refuse to move such nets when required, the owner of the seine or his agent may remove such nets, or haul such nets shoreward with the seine, but in such case the owner of the seine shall compensate the owner of the herring nets for any damage done to the nets, and shall return the quantity or pay the value of such herring as may be in the nets.

7. When any person has commenced to shoot a seine, no other person shall place or set any other fishing gear, net or other contrivance within such space as the said seine is about to encompass.

8. In the shooting of seines, the first person who throws out his seine rope and shoots and continues to shoot his seine shall be entitled to the sweep, and no person shall obstruct or prevent such person from shooting his seine.

9. In case two or more seiners shall shoot their seines at the same time, so as to form one circle and neither secures his catch separately, the total catch shall be equally divided.

10. In case two or more seiners shall shoot their seines at the same time and one seine shall be inside the other, and herring shall be taken in both seines, the total catch shall be equally divided.

11. When herring have been removed from the seine, such seine shall immediately be taken out of the water.

12. No person may interfere with or obstruct the owner of a seine in the hauling or tucking thereof, nor may any person make a noise or otherwise wilfully frighten herring from a seine.

13. No person shall set any net so close to any seine as to stand over the moorings of such seine, and no person shall set his nets in such manner as to submerge the net of any other person.

14. When a seine has been used for taking herring, it shall be immediately hauled from, and tucked into, a boat or boats and not from the shore or strand, except when the herring are required exclusively for bait.

15.

(a) Except as hereinafter provided no person shall keep herring barred in a seine other than for bait purposes.

(b) No person shall keep herring barred in a seine for a longer period than two weeks, except during the period beginning November 1 of one year and ending May 15 of the following year, both inclusive, during which period the herring may be kept barred in a seine for a further period of one week.

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

- (c) Notwithstanding the provisions of paragraphs (a) and (b) of this Regulation, herring may, by written permission of the Newfoundland Fisheries Board, be kept barred in a seine for such purpose and for such period or periods and in such area or areas as the Board may by such permission allow, which permission the Board may at any time revoke without assigning any reason therefor.
- (d) If any person is dissatisfied with the decision of the Board in revoking permission granted to him under paragraph (c) of this Regulation, he may appeal to the Commissioner who may after investigation, if any, confirm or alter or reverse the decision of the Board as he thinks proper.
- (e) All seines which have been barred for the period permitted in paragraphs (b) and (c) of this Regulation shall be taken out of the water by the person or persons who set or caused to be set such seines, and such persons shall remove from the water all dead herring in such seines.
- (f) No person shall set a seine within a distance of one hundred (100) fathoms from the place where any seine has been barred while such barred seine remains, or until a period of twelve hours has elapsed after the removal of such barred seine from the water.
- (g) The owners or operators of all seines kept or set in the water contrary to this Regulation must remove such seine or seines from the water and remove or release all herring therefrom when ordered to do so by any Fisheries Inspector or any other person acting under general or specific authority from such Inspector or the Newfoundland Fisheries Board. If the owner or operator shall fail to comply with the Order, the seine may be removed and the herring released by the Inspector or other person having authority hereunto, at the cost of the owner or operator, the said cost to constitute a lien against the equipment.

**16.** No person shall set a herring trap or herring net within fifty (50) fathoms of any herring trap previously set; nor shall any person set a trap within fifty (50) fathoms of a herring net previously set.

**17.** No vessel, craft or boat of any description shall anchor or be moored in any hauling place, cove, or inlet in which herring are known to be present or in which they are being caught, in such a way as to interfere with the catching thereof.

**18.** No vessel, craft or boat shall anchor or be moored at Simm's Brook or St. Kell's in Fortune Bay, other than fore and aft and as close to the land as she can safely float.

**19.** No vessel, craft or boat shall anchor, or remain at anchor or be moored anywhere in Bay d'Est, Fortune Bay, during the herring fishing season except inside a straight line drawn from Indian Point to Northwest Point at the mouth of Northwest Brook.

**20.** All vessels entering Sound Island, Placentia Bay, for the purpose of catching or purchasing herring shall remain at anchor below the North Eastern Point of Sound Island (Bloody Point).

**21.** All fresh or green herring shall be sold or purchased, delivered or received either by weight or by the standard measure which shall be a barrel containing thirty-two Imperial gallons or a tub containing sixteen

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

Imperial gallons, and shall be purchased and sold as they are taken from the water, without any cull or pick, any agreement to the contrary notwithstanding.

**22.** All frozen herring shall be sold or purchased, delivered or received, either by weight or by count, or by the standard measure which shall be a barrel containing thirty-two Imperial gallons or a tub containing sixteen Imperial gallons, any agreement to the contrary notwithstanding.

**23.** The Board may upon application made in writing by any person, upon a form to be supplied by the Board, issue a licence for the curing and packing of pickled herring by such applicants:

- (a) Every such licence shall be valid only for the packing of herring in the factory for which it is issued and which shall be stated in the said licence.
- (b) Every such licence shall be valid only for the season in respect of which it is issued.
- (c) Licences shall be numbered and in the case of a licence issued to a packer who has previously been holder of a licence under these Regulations, the number of the licence issued to him shall be the same as that upon the licence previously issued.

**24.** No person shall cure or pack pickled herring for commercial purposes in any place in Newfoundland unless he is the holder of a licence issued and valid under these Regulations.

**25.** There shall be one form of licence limited to the packing of Scotch and Norwegian cure and another form of licence for the packing of any other types of cure which shall be specified in the licence.

**26.** Every licence holder shall, not later than ten days after the end of the season for the catching and curing of herring, send a return to the Board, on a form to be provided by the said Board, setting out such information as may be required by the said form, with respect to the season's operations.

**27.** The Board shall be entitled to require payment of a fee of two dollars (\$2.00) before the issue of any licence to cure and pack pickled herring. Application to pack Scotch cure herring shall be made not later than the thirty-first (31st) day of August in any year for a licence for the next ensuing season.

**28.**

- (a) The Board may refuse to grant a licence to cure and pack pickled herring when an inspector reports that the factory to be used for the curing and packing of herring is unsuitable for the purpose as defined herein.
- (b) Any factory may be deemed unsuitable for the curing and packing of herring if it fails to comply with any of the following requirements:
  - (1) It must be wind and water proof.
  - (2) It must be suitably heated.
  - (3) It must be capable of holding all herring under cover for at least twenty-four (24) hours after they have been first packed.



**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

- (4) It must be equipped with the necessary tools for putting barrels in proper condition for shipping, including cooper's driver and hammer, head lifter, flagging iron, pickle tester, iron rivet punch and chime punch.

**29.** After each day's work all factories and implements must be thoroughly cleaned.

**30.**

- (a) All pickled herring, during the process of curing and handling, and the containers, before and after being filled, must be carefully protected from the weather.
- (b) Barrels and half-barrels when filled shall be kept on their bilge.
- (c) All pickled herring must be kept covered with clean pickle of required strength.

**31.** The Board may, by order in writing, suspend the licence of any licence holder whose factory does not continue to comply with the requirements of these Regulations, or which is not kept clean, and such suspension shall continue in effect until the Board shall be satisfied that the defects have been remedied.

**32.** The Board may, by order in writing suspend a licence which has been issued to cure and pack herring if an inspector reports that the methods of curing and packing in the licensed factory are not proper, and such suspension shall continue in effect until the Board shall be satisfied that proper methods have been adopted.

**33.** When a licence is suspended it shall be invalidated for the period of suspension, and the licence holder shall return his licence to the Board. The Board shall restore the licence upon being satisfied that the cause of suspension has ceased.

**34.** If any person is dissatisfied with the decision of the Board in suspending a licence or in refusing to restore, during the packing season, a licence which has been suspended, he may apply to the Commissioner, who may after investigation, if any, confirm or reverse the decision of the Board.

**35.** Before suspension of a licence the Board shall give to a licensee fourteen (14) days' notice of its intention and suspension shall not have effect until the expiry of the said fourteen (14) days.

**36.** Where notice of intention to suspend has been given to a licensee a stipendiary magistrate may, on the application of an inspector make an interim order that the licensee cease to sell, export or otherwise dispose of any herring packed by him pending the hearing of any appeal and upon each contravention of such order the licensee shall be guilty of an offence against these regulations.

**37.** Licences shall not be suspended for a casual or minor or accidental departure from a proper method of manufacture.

**38.** The holder of a licence to cure and pack herring shall at all times keep the said licence prominently displayed in the licensed factory and shall, upon request, produce the same for the inspection of any Inspector or of any Magistrate, Justice of the Peace, Officer of Customs, Constable or Ranger.

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

**39.** The holder of every licence shall upon request by any inspector, open barrels, packages or other containers in which cured herring is packed.

**40.** No person shall unless previously authorized thereto in writing by the Board:

- (a) cure herring by the Scotch method except between the first (1st) day of October and the thirty-first (31st) day of January next following, both dates inclusive.
- (b) cure herring by the Norwegian method except between the first (1st) day of March and the fifteenth (15th) day of May next following, both dates inclusive.
- (c) cure split, round, dressed, marinated vinegar, or any other types of herring for commercial purposes except between the first (1st) day of August and the fifteenth (15th) day of May next following, both dates inclusive.

Provided that this Regulation shall not apply to the curing of herring in Labrador.

**41.** No person shall sell or purchase in Newfoundland or export any pickled herring unless every barrel or other container has the packer's licence number stencilled or branded upon it.

**42.** No person shall sell or purchase in Newfoundland or export any Scotch cure herring unless every barrel or other container has the packer's full name stencilled upon it.

**43.** No person shall export pickled herring from Newfoundland unless the words "PRODUCT OF NEWFOUNDLAND" and the net weight are stencilled upon each barrel or other container.

**44.** No person shall sell or purchase in Newfoundland or Labrador, or export pickled herring packed in Labrador unless the barrels or other containers have the word "LABRADOR" stencilled upon them in addition to the other marks hereinbefore prescribed.

**45.** It shall be the duty of the Inspectors:

- (a) To inspect any place in respect of which application is made to be used as a factory for the curing and packing of herring; and
- (b) To inspect every place used for the curing and packing of herring, and the equipment used therein and to inquire into and ascertain the methods used and the sanitary precautions taken, and other matters in connection therewith; and
- (c) To inspect herring.

**46.** Any place shall be deemed unsuitable for the curing and packing of herring if it fails to comply with the requirements laid down in Regulations 28 and 29.

**47.** If, after being requested to do so by an Inspector, any person who has in his possession or under his control any pickled herring or who is the holder of a licence to cure and pack pickled herring, refuses or omits:—

- (a) To admit the Inspector into the premises licenced to pack herring; or
- (b) To show the Inspector all equipment in such factory and the methods used in such factory; or
- (c) To produce herring for inspection, he shall be guilty of an offence against these Regulations.

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

**48.** No person shall export pickled herring unless the containers have been marked or branded and the herring inspected and passed by an Inspector, in accordance with these Regulations. Inspection may be made at the factory or on premises in a port to which herring have been brought for export. If the herring are not exported within thirty (30) days from the date of inspection, they shall not be exported without re-inspection.

**49.** Application for inspection shall be made to the Board or to an Inspector. The Board or Inspector may refuse to inspect a smaller quantity than twenty-five (25) barrels outside centres where an Inspector is stationed, but smaller quantities may be brought to such a centre for inspection.

**50.** The Inspector shall mark or brand each barrel that is approved by him. After the barrels have been so marked the herring shall not be repacked nor the selection nor the Inspector's marks in any way interfered with except by permission and in the presence of an Inspector.

**51.** If the lot consists of less than fifty barrels, an Inspector may at his discretion open all barrels.

**52.** The Inspector shall give an inspection certificate to the packer or exporter, such certificate to show the number of barrels of each grade inspected and passed, the date of inspection and the name of the Inspector.

**53.** The fee for the inspection of cured herring in packages shall be as follows:

Scotch Cure—ten cents per barrel, five cents per half barrel; all other types of cure—five cents per barrel, two and one-half cents per half barrel.

**54.** Prior to exportation the exporter shall, at the time of passing the export entry required by the Customs Act, present the Inspection Certificate and pay the inspection fee to the Officer of Customs to whom the export entry is delivered.

**55.** Except as hereinafter provided, all barrels and half barrels used as containers for pickled herring for export, shall be of standard size, and an Inspector shall refuse to pass any barrels used or intended to be used for the exporting of pickled herring which do not conform to the following Regulations:

- (a) Barrels for Scotch Cure, Headless Split and Dressed Herring shall be thirty-one inches in length; head and bottom seventeen inches in diameter; capacity not less than twenty-six and two-thirds Imperial gallons.
- (b) Half-barrels for Scotch Cure, Headless Split and Dressed Herring shall be twenty-four inches in length; head and bottom thirteen and three-quarter inches in diameter; capacity not less than thirteen and one-third Imperial gallons.
- (c) Barrels for Split Herring shall be twenty-seven inches in length; head and bottom seventeen inches in diameter; capacity not less than twenty-two Imperial gallons.
- (d) Half-barrels for Split Herring shall be twenty-two inches in length; head and bottom thirteen and three-quarter inches in diameter; capacity not less than eleven Imperial gallons.



**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

**56.** The staves and heading of every barrel and half-barrel shall be made of well-seasoned, close grained wood, either soft or hard, capable of holding pickle.

**57.** The staves of every barrel when completed, should be not less than three-quarters of an inch thick, if square sawn, and not less than eleven-sixteenths of an inch thick, if cylinder sawn. The heading shall be not less than seven-eighths of an inch thick. The staves of every half barrel, when completed, shall not be less than five-eighths of an inch thick and the heading not less than three-quarters of an inch thick. (Staves and heading must be cut one-sixteenth of an inch thicker than this Regulation requires, in order that they may be of the required thickness when dried and made up into a barrel).

**58.** No cracked, broken or patched staves, heads or bottoms shall be used.

**59.** All heads and bottoms must be planed on the outside.

**60.** The staves of barrels shall not exceed five inches in width at the bilge; the staves of half-barrels shall not exceed four inches in width at the bilge.

**61.** The staves, when joined, should be one half of an inch wider at the bilge than at the end.

**62.** All black or shell knots shall be covered with putty or some other waterproof composition.

**63.** The heads of barrels and half-barrels shall be made of three pieces and shall be securely fastened with dowels. All heads shall be bevelled one-third outside and two-thirds inside and shall fit properly in a clean cut croze.

**64.** The chimes shall be one inch in length from top to croze.

**65.** When square-sawn staves are used, the right side of the staves must be turned out. (When the right side of the stave is turned out, the grain at the end of the stave is turned towards the inside of the barrel).

**66.** Every barrel or half-barrel used for containers for Scotch Cure, Headless Split or Dressed Herring, shall be hooped with new black or galvanized iron hoops.

(a) Barrels shall be fitted with: EITHER four hoops each not less than two inches wide of wire gauge No. 16, flat or concave, OR six hoops—the two chime hoops to be not less than two inches wide, the two quarter hoops to be not less than one and one-quarter inches wide, and the two bilge hoops to be not less than one and one-half inches wide, all No. 16 gauge, flat or concave. When four hoops are used, the bilge hoops shall be ten inches from the end when driven. When six hoops are used, the quarter hoops shall be three inches from the end, and the bilge hoops ten inches from the end when driven.

(NOTE—Six hoops are advisable with square-sawn staves).

(b) Half-barrels shall be fitted with: EITHER four hoops, each not less than one and one-half inches wide No. 17 gauge, OR six

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

hoops—the two chime hoops to be not less than one and one-half inches wide, the two quarter hoops and the two bilge hoops not less than one and one-quarter inches wide, all No. 17 gauge.

**67.** Every barrel or half-barrel used as containers for split herring shall be hooped either entirely with iron hoops, and partly with iron hoops and partly with wooden hoops. Unless otherwise permitted in writing by the Board, all hoops must be new, and iron hoops may be either black or galvanized.

(a) If hooped entirely with iron hoops, on a barrel there shall be: EITHER four hoops, each not less than one and three-quarter inches wide, of wire gauge No. 16, if of black iron, and No. 17 if of galvanized iron, OR six hoops, the chime hoops to be not less than one and one-half inches wide and the two quarter and the two bilge hoops not less than one and one-quarter inches wide of No. 18 gauge.

(b) If hooped partly with iron hoops and partly with wooden hoops, on a barrel there shall be: one iron hoop on each end of not less than one and three-quarter inches wide, of wire gauge No. 16 if of black iron, and No. 17 if of galvanized iron, and not less than three good wooden hoops on each quarter. For a half-barrel there shall be: One iron hoop on each end of not less than one and one-half inches wide, of wire gauge No. 17 if of black iron, and No. 18 if of galvanized iron, and three good wooden hoops on each quarter.

(c) The wooden hoops on every barrel and half-barrel shall be of sound hardwood, and shall be not less than three-quarter inch for barrels and five-eighth inch for half-barrels. Each hoop shall be properly notched, perfectly fitted and firmly driven into its place.

**68.** Notwithstanding the provisions of Regulations 66 and 67 hereof, hoops other than those specified, either wooden or iron, may be used if previous permission in writing so to do has been granted by the Board, and in accordance with such permission.

**69.** No second-hand barrels shall be used as containers of Scotch Cure Herring for export nor as containers of any other type of herring except by permission of the Board.

**70.** (1) Every barrel and half-barrel shall be made air-tight by the maker, who shall cause a half-pint of weak pickle to be poured into every barrel and half-barrel before the head is put in to assist the detection of leaks.

(2) A bung hole of one inch in diameter shall be bored in the centre of a wide stave at the bilge of every barrel and half-barrel, and a bung of not more than one inch in length shall be made to fit the said hole and shall be placed inside the container by the cooper before such container is inspected.

**71.** Upon application made by any person to an Inspector, requesting the inspection of containers intended to be used in the packing of Scotch, Headless Split, Dressed or Norwegian Cure Herring for export, the Inspector shall examine every container submitted for inspection and, if he is satisfied that the container complies with the provisions of existing regulations, he shall approve the same and mark thereon or affix thereto, a distinguishing mark.

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

**72.** Upon application being made for inspection of pickled herring an Inspector shall refuse to mark or brand as approved any Scotch, Headless Split, Dressed or Norwegian Cure Herring unless the same is in a container which has been inspected and approved and marked as provided in the preceding Regulation.

**73.** No person shall use as a container to export cured herring any barrel or package which has been condemned by an Inspector.

**74.** Every whole barrel of Scotch Cure Herring shall contain two hundred and fifty pounds net of herring and every half-barrel shall contain one hundred and twenty-five pounds net of herring when packed and ready for export.

**75.** (a) Large fulls shall consist of herring twelve inches and over and showing the roe or milt at throat; medium full herring shall consist of herring not less than eleven inches and up to but not including twelve inches, and showing the roe or milt, at throat; matt full herring shall consist of herring not less than ten inches and up to but not including eleven inches, and showing the roe or milt at throat; small full herring shall consist of herring not less than nine inches and up to but not including ten inches, and showing the roe or milt at throat. The same lengths shall apply to the grading of empty and filling fish. Measurements are to be applied when fish is fully cured and must be taken from the beak of the nose to the crux of the tail.

(b) Excessively lean fish shall not be packed as Scotch Cure.

**76.** The herring must be perfectly fresh, bright and firm. They must not be allowed to be exposed to sun, rain or frost. No herring that have been taken from nets that have not been hauled during the previous twenty-four hours, or frozen herring, or herring that show signs of deterioration shall be packed.

**77.** The gills and gut must be taken clean away with a sharp, narrow bladed knife, by cutting just below the two upper fins, leaving the roe or milt in the fish. Herring shall be separated into five grades during the process of gutting, the grades to be known as large full, medium full, matt full, small full and fillings.

**78.** Each barrel of full fish, must contain at least 70 per cent of milt herring.

**79.** The gutted fish shall be placed in a tub or other suitable receptacle, each grade separately, and thoroughly roused or turned over in, and mixed with salt.

**80.** When thoroughly roused, the herring shall be lifted from the rousing tub or other receptacle, allowing as much as possible of the rousing salt to stick to each fish, and packed in tiers in a barrel or half-barrel. The fish shall be laid back down and kept close together, three herring to be used to stretch across a tier, one at each side with their heads to the staves and one in the centre, (in packing large or medium herring into half barrels, two herring may be used to stretch across the tier). When the tier has been completed two herring shall be placed on their sides, over the heads of the herring in the tier, with their tails crossed and their backs next to the staves. In packing large fulls or medium fulls into half-barrels



**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

one herring may be placed over the heads of those in the tier. The whole tier shall then be salted and the next tier be packed in transversely to the one below it and so on until the barrel is packed in, each tier being salted separately. The gutting and packing should take place at the same time and shall be completed within eighteen hours after the fish have been taken from the nets.

**81.** On the outside of the bottom of every barrel and half-barrel about to be filled, there must be legibly written with a lead pencil, at the time of packing, the class of fish and the date of curing as for example:

Large Fulls  
November 10th

OR

Medium Fulls  
November 10th

These barrels, having been filled up to the croze with the herring of the same day's pack and grade, the heads shall then be put in and made tight, and the barrel laid on its side for a minimum period of fourteen days before the final topping up and preparation for market. Herring used for topping up must also be of the same day's pack and grade as the herring already in the container into which they are finally packed. The packer must put sufficient weight of fish in the container to ensure that the proper weight will be in the container after shrinkage, exclusive of salt.

**82.** The packer shall take care to see that the container is free from leaks and full of pickle at all times while it is in his possession.

**83.** Scotch Cure Herring fully up to the standard and packed according to these Regulations shall be marked with the Crown Brand. Inspectors may pass herring put up by the Scotch method when not packed strictly according to Regulations as to size and milt content, providing that their specifications are correctly indicated on the package, but shall not stencil the Crown Brand on the barrels.

**84.** Every whole barrel of split herring shall contain not less than two hundred pounds; every half-barrel not less than one hundred pounds.

**85.** The size of split herring shall be:

*Large*—not less than eleven inches.

*Medium*—not less than nine inches and not more than eleven inches.

*Small*—not less than seven inches and not more than nine inches.

Measurements for each grade are to be applied when fish is fully cured and must be taken from the beak of the nose to the crux of the tail.

**86.** The herring must be perfectly fresh, bright and firm and must not be allowed to be exposed to sun, rain or frost.

**87.** No herring which have been taken from nets which have not been hauled during the previous twenty-four hours or frozen herring or herring which show signs of deterioration shall be packed.

**88.** Herring must be well split, entrails removed, thoroughly clean, bellies filled with salt, dredged outside with salt, and placed carefully in the curing receptacle. The bottoms of containers shall be lightly covered with salt and the herring packed evenly in tiers, back down, each alternate

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

tier packed transversely and uniformly salted. The top tier shall be packed back up and heavily salted. Sufficient salt must be uniformly spread over each tier to keep pickle up to the full strength.

**89.** On the outside of the bottom of every barrel and half-barrel about to be filled, there must be legibly written with a lead pencil, at the time of packing, the class of fish and the date of curing, as for example:

Large Split  
November 10

OR

Medium Split  
November 10

The barrels having been filled up to the croze with herring of the same day's pack and grade, the heads shall then be put in and made tight, and the barrel laid on its side for a minimum period of twelve days; before the final topping up and preparation for market. Before being finally packed for market the pickle shall be drawn off and the barrels then completely filled or topped up with herring of the same day's pack and grade as the herring in the container into which they are finally packed. The heads of the barrels shall then be put in and made tight, and the barrels placed on their sides and immediately refilled with fresh pickle of 100 per cent strength. The packer shall put sufficient weight of fish in the container to ensure that the prescribed weight of fish will be in the container after shrinkage, exclusive of salt.

**90.** The packer shall take care to see that the container is free from leaks and full of pickle at all times, while it is in his possession.

**91.** Every container filled with split herring after being passed by an Inspector, shall have stencilled in his presence, on the head end, the kind, size and minimum net weight of the fish, and initials indicating the name of the Inspector.

**92.** Split herring graded No. 1 shall be marked as such. Split herring not up to No. 1 standard, but sound and wholesome and suitable for human consumption may be passed for export by the Inspector at his discretion, but the Inspector shall mark such barrels "Seconds".

**93.** Every whole barrel of headless split herring shall contain not less than two hundred and twenty-five pounds; every half-barrel not less than one hundred and thirteen pounds.

**94.** Mixed sizes may be contained in the same packages.

**95.** The herring must be perfectly fresh, bright and firm. They must not be allowed to be exposed to sun, rain or frost.

**96.** No herring taken from nets which have not been hauled during the previous twenty-four hours, or frozen herring, or herring which shows signs of deterioration shall be packed.

**97.** Herring must be properly split, heads and entrails removed, blood scraped from main bone, must be washed thoroughly clean in at least three waters, be bright in colour and white bellied. The bellies must be filled with salt and additional salt added as each tier is packed. Sufficient salt shall be used to keep the pickle up to full strength. (100 per cent).

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

**98.** The bottoms of containers shall be lightly covered with salt and the herring packed evenly in tiers, back down, each alternate tier being packed transversely and uniformly salted. The top tier shall be packed with backs up and heavily salted.

**99.** On the outside of the bottom of every barrel and half-barrel about to be filled, there must be legibly written with a lead pencil, at the time of packing, the class of fish and the date of curing, as for example:

Headless Splits

November 10

When different sizes are packed separately, the size must also be legibly written on the outside of the bottom of every barrel and half-barrel about to be filled.

**100.** The barrels having been filled up to the croze with herring of the same day's pack and grade, the heads shall then be put in and made tight, and the barrels laid on their sides for a minimum period of twelve days before the final topping up and preparation for market. Before being finally packed for market the pickle shall be drawn off and the barrels then completely filled or topped up with herring of the same day's pack and grade as the herring in the container into which they are finally packed. The packer shall put sufficient weight of fully cured fish in the container when topping up to ensure that the prescribed weight will be in the container after shrinkage, exclusive of salt. The heads of the barrels shall then be put in and made tight and the barrels be placed on their sides and immediately refilled with newly made pickle of 100 per cent strength.

**101.** The packer shall take care to see that the containers are free from leaks and full of pickle at all times while they are in his possession.

**102.** Every container filled with Headless Split herring after being passed by an Inspector, shall have stencilled in his presence on the head end, the kind, minimum net weight of the fish and initials indicating the name of the Inspector.

**103.** Headless Split herring that do not meet with the requirements of these Regulations but are sound, wholesome and suitable for human consumption, shall be known as "Sub Standard" and the containers shall be so marked.

**104.** Every whole barrel of dressed herring shall contain not less than two hundred and twenty-five pounds; every half-barrel not less than one hundred and thirteen pounds net of herring when packed and ready for export.

**105.** Mixed sizes may be contained in the same package.

**106.** The herring must be perfectly fresh, bright and firm. They must not be allowed to be exposed to sun, rain or frost.

**107.** No herring taken from nets which have not been hauled during the previous twenty-four hours, or frozen herring, or herring which show signs of deterioration shall be packed.

**108.** The head and all entrails must be removed. A strip of the belly extending from the neck to the anal fin or last fin towards the tail must be taken clean away by using a sharp knife. This cut must be made in a manner that will prevent any bones from protruding when the cut has been made.



**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

**109.** The membrane attached to the back bone and stomach must be removed in order to release all blood so that none of it will remain adhering to the bone or surrounding flesh. The inside of the herring must be scraped, but in doing so, care must be taken to prevent damaging the fish. Herring must be washed thoroughly clean in at least three waters and the inside of the belly must have a white appearance.

**110.** The strength of the pickle must be maintained at approximately 100 per cent at all times.

**111.** (1) On the outside of the bottom end of every barrel and half-barrel to be filled, there must be legibly written with a pencil at the time of packing, the class of fish and the date of curing, as for example:

Dressed  
Nov. 10th.

(2) The herring may be thrown in loosely.

(3) The barrels having been filled up to the croze with herring of the same day's pack and grade, the heads shall then be put in and made tight, and the barrels laid on their side for a minimum period of fourteen days before the final filling up and preparation for market. Before being finally packed for market the pickle shall be drawn off and the barrels then completely filled or topped up with herring of the same day's pack and grade as the herring in the containers into which they are finally packed. The packer shall put sufficient weight of fully cured fish in the container when topping up to ensure that the prescribed weight will be in the container after shrinkage, exclusive of salt.

(4) The heads of the barrels shall then be put in and made tight, and the barrels shall be placed on their sides and immediately refilled with newly made pickle of 100 per cent strength.

**112.** The packer shall take care to see that the containers are free from leaks and full of pickle at all times while they are in his possession.

**113.** Every container filled with dressed herring after being passed by an Inspector, shall have stencilled in his presence on the head end, the kind, minimum net weight of the fish and initials indicating the name of the Inspector.

**114.** Dressed herring which do not meet with the general requirements of these Regulations, but are sound, wholesome and suitable for human consumption, shall be known as "Sub Standard" and the containers shall be so marked.

**115.** No person shall export pickled herring of any cure or type unless he shall have first obtained from the Newfoundland Fisheries Board a licence to export the quantity appearing on the export entry, and the exporter shall, before export, present the export licence to the Officer of Customs together with the corresponding inspection certificate.

**115A.** No person shall operate a purse seine, bar seine, drag or beach seine or trap, in the pursuit of the herring fishery until he shall have first obtained a licence from the Fisheries Board, (hereinafter called "the Board") for the use of such seine or trap. Such licence shall be issued by the Board free of cost and shall set out such conditions as to the period during which, and the area in respect of which, such licence shall be valid,

**Newfoundland—C. Newfoundland Fisheries Board Acts—*continued***

and the method of fishing permitted, as the Board may determine and such licence may be cancelled or suspended by the Board for any contravention of the Regulations or of the conditions of any licence issued under the Regulation by the holder thereof.

**115B.** Every person engaged in the herring fishery who uses such a seine or traps as is mentioned in the preceding regulation, shall at the end of each calendar month make a return to the Board, setting out the quantities of herring taken each day during such month and setting out such further information as the Board may require.

**116.** Any person who fails to comply with or acts in contravention of any of these Regulations or of the conditions of any licence or permit issued under them, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred dollars or in default of payment to imprisonment for a period not exceeding three months or to both fine and such imprisonment.

**5—Regulations re Licence Fee under Newfoundland Fisheries Board Act**

Under and by virtue of subsection (2) of section 9 of the Newfoundland Fisheries Board Act, 1936, the following Regulations imposing conditions upon which the grant of annual licences shall depend have been made by the Newfoundland Fisheries Board and approved by the Governor in Commission.

Dated at St. John's, this 17th day of January A.D. 1942.

KEVIN OSMOND,  
*Acting Secretary, Newfoundland Fisheries Board.*

**REGULATIONS**

**1.** The fee for each annual licence issued under the provisions of section 9 (1) of the Newfoundland Fisheries Board Act, 1936, shall be fifteen dollars.

**2.** The applicant for an annual licence shall at the time of application therefor pay to the Newfoundland Fisheries Board the said fee of fifteen dollars, which shall be refunded to the applicant if the said Board shall refuse to issue the licence.

**6.—Regulations re Qualifications and Conditions for Export Licences**

Under and by virtue of the powers conferred by section 9 of the Newfoundland Fisheries Board Acts, 1936-44, the following qualifications and conditions have been specified and imposed by the Newfoundland Fisheries Board respecting the issue of annual licences to export salted fish and were approved by His Excellency the Governor in Commission on the 2nd day of September, A.D. 1944.

Dated at St. John's this 2nd day of September, A.D. 1944.

W. J. CAREW,  
*Secretary of the Commission of Government.*

**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

1. For the purposes hereof "fish" shall mean salted fish of any of the following kinds, namely, codfish, haddock, hake, ling, pollock and cusk.

2. An application for an annual licence to export fish shall be made in writing to the Newfoundland Fisheries Board on such form and in such manner as may be prescribed by the Board.

3. The qualification necessary for the issue of such a licence is that the applicant shall have handled or produced at least the equivalent of three thousand dry quintals of fish on each of the premises owned or operated by the applicant during any one of the three calendar years immediately preceding the application for such a licence.

4. Each such licence shall apply in respect of such premises as shall be indicated by endorsement upon the licence by the Board.

**7.—Regulation re Reports by Salt Codfish Exporters**

Under and by virtue of the provisions of section 9 (2) of the Newfoundland Fisheries Board Act, 1936, the following Regulation imposing conditions upon which the continuance of annual licences shall depend has been made by the Newfoundland Fisheries Board and approved by the Governor in Commission.

Dated at St. John's this 3rd day of February, 1942.

K. F. OSMOND,

*Secretary, Newfoundland Fisheries Board.*

**REGULATION**

Every licensed exporter of salt codfish shall, on the last day of every month or within forty-eight hours thereafter or at such other times as the Newfoundland Fisheries Board may require, deliver to the said Board a report in writing signed by such exporter or by a person by such exporter duly authorized stating correctly the quantity, description and quality of each type of salt codfish then held by such exporter: Provided that such report may be delivered by telegraph if the licensed exporter shall, within twenty-four hours after the deposit of the telegram at the telegraph office, mail to the said Board a further report in the form and containing the particulars by this Regulation required.

**8.—Regulations re Publication of Exporters' Reports**

Under and by virtue of sub-section 2 of section 2 of the Newfoundland Fisheries Board Act, 1936, the following Regulations have been made by the Newfoundland Fisheries Board and approved by the Commissioner for Natural Resources.

Dated at St. John's this 3rd day of February, 1942.

K. F. OSMOND,

*Secretary, Newfoundland Fisheries Board.*



**Newfoundland—C. Newfoundland Fisheries Board Acts—continued**

## REGULATIONS

1. Save under legal process, the Newfoundland Fisheries Board shall not publish or disclose to any person other than the Government of Newfoundland, the Commissioner for Natural Resources, by an officer or servant of the said Board or allow any person other than such Government, Commissioner, officer or servant to have access to any report made by a licensed exporter in accordance with regulations under the provisions of the Newfoundland Fisheries Board Act, 1936.

2. This Regulation shall not apply to any information published or given to any person respecting the total quantities of salt codfish held from time to time by all licensed exporters.

**9.—Notice *re* Export of Dried Squid***Public Notice*

In view of the need to regulate the orderly marketing of dried squid, it has been found necessary to form by and with consent of the Newfoundland Fisheries Board a dried squid exporters association and to give such association the sole right to sell and export Newfoundland dried squid. The following notice therefore is given to all licensed exporters of dried squid.

NEWFOUNDLAND FISHERIES BOARD,

L. R. BROOKS,  
*Secretary.**Notice*

Under and by virtue of the powers conferred by section 9 of the Newfoundland Fisheries Board Act, 1936, as amended, and of the regulations made thereunder dated the 31st day of July A.D. 1941, the Board hereby gives notice to all licensed exporters of dried squid that:

1. No licensed exporter shall make sales of dried squid for export from Newfoundland.

2. All sales of dried squid for export from Newfoundland shall be made by or through the (Newfoundland) Dried Squid Exporters Association Limited and licences for the sale of dried squid for export from Newfoundland shall be issued by the Newfoundland Fisheries Board to the said (Newfoundland) Dried Squid Exporters Association Limited only.

NEWFOUNDLAND FISHERIES BOARD,

L. R. BROOKS,  
*Secretary.***10. Rule *re* Licence Payments to Salt Codfish Association***Public Notice*

Under and by virtue of subsection (2) of section 2 of the Newfoundland Fisheries Board Act, 1936, the following Rule has been made by the Newfoundland Fisheries Board and approved by the Commissioner for Natural Resources.

Dated at St. John's this 9th day of January, A.D. 1942.

KEVIN OSMOND,  
*Acting Secretary, Newfoundland  
Fisheries Board.*

**Newfoundland—C. Newfoundland Fisheries Board Acts—concluded***Rule*

The Newfoundland Fisheries Board shall, in respect of each annual licence issued under section 9 (1) of the Newfoundland Fisheries Board Act, 1936, pay to the Salt Codfish Association the sum of five dollars.

**11.—Notice to Exporters *re* Newfoundland Associated Fish Exporters Ltd.***Public Notice*

By Notice in the *Newfoundland Gazette* of 25th March, 1947, the Newfoundland Fisheries Board announced continuation of marketing salted cod, etc., under a Marketing Administration Committee. It was stated that the conditions imposed were until further notice, pending trade discussions on improvement and unification of the Group Marketing System. These discussions have since been held and recommendations of the Trade for the setting up of Newfoundland Associated Fish Exporters Limited, received. The following Notice is, therefore, given to licensed exporters.

Dated at St. John's this 26th day of August, A.D. 1947.

NEWFOUNDLAND FISHERIES BOARD,

H. R. BRADLEY,

*Secretary.*

*Notice*

Under and by virtue of the powers conferred by section 7 of the Newfoundland Fisheries Board Acts, 1936-1944, and of the Regulations made thereunder, dated the 14th day of August, A.D. 1942, the Board hereby gives notice to all licensed exporters that from the 31st day of August, 1947:

1. All licensed exporters are hereby required to participate to the full extent of their collections of salted cod, haddock, hake, cusk, pollock and ling, in any or all sales made by the Newfoundland Associated Fish Exporters Limited, in accordance with instructions received from Newfoundland Associated Fish Exporters Limited from time to time.

2. All licensed exporters are hereby required to carry out the instructions given from time to time by the Newfoundland Fisheries Board or by Newfoundland Associated Fish Exporters Limited, with respect to declarations of stocks, preparation, packing, marketing and exporting, and all other matters connected with the sale and export of salted fish of the types referred to herein.

3. No licensed exporter shall make or negotiate sales for export of the types of salted fish referred to herein. All sales shall be made by or through Newfoundland Associated Fish Exporters Limited on whom the exclusive right to sell and export has been conferred by the Board.

4. The requirements and conditions imposed on licensed exporters by Notice contained in the *Newfoundland Gazette* of 25th March, 1947, are hereby withdrawn.

## APPENDIX III

## OFFICE CONSOLIDATIONS

1. *Electricity Inspection Act*
2. *Gas Inspection Act*
3. *National Battlefields at Quebec*

**1. ELECTRICITY INSPECTION ACT, 1928. (1928, c. 22)**

1. *Electricity Inspection Regulations*
2. *Schedule of fees—Verification of Electricity meters*

**1. The Electricity Inspection Regulations**

## OFFICE CONSOLIDATION

P.C. 1786 of 12th September, 1929

*As amended by P.C. 1621 of 13th July, 1938*

These regulations are to be construed as subject in all respects to the provisions of the Act and the several words, terms and expressions to which by the Act meanings are assigned, shall have herein the same respective meanings.

## ARTICLE I

## REQUIREMENTS AS TO TESTING OF METERS

*Meters to be Tested*

The Electricity Inspection Act requires that every kind of machine, apparatus, or instrument, used for making electrical measurements for the purpose of making a charge for electricity, as well as any device utilized for the purpose of determining the basis of such charge, shall, before being put into service:

*Approval*

- (a) be of a type which has received the approval of the National Research Council.

*Verification*

- (b) be verified by an inspector in accordance with the following regulations unless special permission has been granted for its temporary use prior to verification.

*Sealing*

- (c) be sealed by the inspector at the time of verification in such way as to prevent access to the working parts or adjustments, with the exception of such meters as have been approved for use unsealed.



**Electricity Inspection Act—continued**

ARTICLE II

REGULATIONS REGARDING INSTALLATION OF METERS

*Suitability*

Every meter installed for service shall measure the electricity consumed within the limits of accuracy prescribed by authority of the Act under all conditions of supply.

ARTICLE III

SUBMISSION OF METERS FOR INITIAL APPROVAL OF TYPE

*Definition of Type*

1. By Type of Meter is meant any group of meters built by a manufacturer to a definite specification under a specific designation, of which the component parts, such as the electric and magnetic circuits, magnets, rotors (if any), bearings and housings, are substantially identical.

Where, however, a type which has been approved in a simple form such as a 2-wire, single-phase watthour meter is developed into a more complex form such as 3-wire, single-phase or polyphase meter, the more complex forms may not be considered approved until they have been submitted and accepted as in the case of a new type.

*Limitation of Approval*

2. The National Research Council reserves to itself the right to re-examine any approved meter if occasion arises; and if faults are found which the manufacturer is unable to correct to the satisfaction of the Council, the supply of further meters of this type may be prohibited.

*Samples to be Submitted*

3. Samples submitted shall represent the average commercial product. The National Research Council's approval of any particular type of meter is applicable only to meters in precise accord with the sample and with the specifications and drawings relating thereto.

(WARNING.—Any variation from the sample is liable to rejection by the Electricity and Gas Inspection Services, Department of Trade and Commerce.)

*Number of Samples Submitted for Approval*

4. At least five samples of any type shall be submitted for approval, except in the case of unusual types and types of limited use, in which case the National Research Council shall decide on the number required for examination. Not more than one sample will be retained by the said Council, and in the case of meters of the value of \$50.00 or over, all samples shall be returned.

*Approval of Individual Meters*

5. Approval of an individual meter of a given type for a special purpose may be granted, but the National Research Council will require that further samples of the type be submitted before general approval is given.

**Electricity Inspection Act—continued***Specifications and Drawings*

6. The samples shall be accompanied by two typewritten or printed specifications and two sets of plans completely describing the construction and operation of the meter. Plans shall preferably be on sheets of such dimensions as will permit of their being placed in a binder 13 inches long by 8 inches wide. The reference figures shall be bold and distinct.

After approval of any meter, as many sets of blueprints of the plans shall be provided as the National Research Council requires.

*Capacities of Meters*

7. A full list shall be given of all capacities of meters of the type submitted. If subsequently any additional capacities are introduced, approval must be obtained.

*Examination*

8. Meters shall be submitted to such tests as shall be prescribed by the National Research Council, the specifications of such tests to be published and mailed to manufacturers and be available to users on request, and shall not be changed without reasonable notice.

*Alteration*

9. When an alteration is proposed to be made in the construction of an approved type, descriptive information must be submitted. The National Research Council will decide whether the alteration may be accepted as an immaterial one and hence included within the approval, or whether further experimental test is required. When an alteration is considered to be a material one, it will be necessary to submit samples.

Meters which are rebuilt to a different speed shall be deemed to be altered meters, and liable to the provisions of this section.

## ARTICLE IV

## LIABILITIES OF CONTRACTORS WITH RESPECT TO METERS

*Testing Facilities to be provided*

1. (a) The contractor shall place at the disposal of the inspector a suitable space equipped for the accurate testing of all meters used on his system for billing purposes. The space shall be well heated and lighted, and free from dust and dirt.
- (b) The space must be equipped with a test board or boards, on which all routine tests can be conveniently and accurately made. A blueprint of a suitable board may be obtained from the Department.

*Obligations re "in situ" dispute tests*

2. In the case of *in situ* dispute tests, the contractor shall, at the expense of the party against whom the decision is given, supply all wire and leads and make all connections up to the Departmental Standards required by the inspector, who shall have free access to all parts of the service during such tests.

**Electricity Inspection Act—continued**

*Meter Register Book*

3. A meter register book is supplied by the Department to the contractors for the purpose of assisting them in complying with sections 13 and 14 of the Electricity Inspection Act and the regulations established thereunder.

In cases where a meter register book is used:—

- (a) All entries shall be made by the contractor or his assistants.
- (b) Complete and accurate records must be kept for each and every meter.
- (c) Any change in location, seal, etc., of a meter must be recorded in this book forthwith, and the contractor shall notify the inspector in writing at the end of each month regarding any meter that is sold, scrapped, burnt, destroyed or lost.
- (d) It shall be kept in a convenient place within the inspection district so that an inspector may examine it at any time during office hours, and shall be produced at the testing place when meters are being verified.

*Breaking of Seal*

4. When required by the inspector, the date on the seal of a meter broken by the contractor for purposes of cleaning and adjusting the meter for presentation for reverification, shall be transferred to the meter cover in some suitable manner, in order to assist him in locating the meter record.

*Obligations re tests*

5. In the event of arrangements having been made with a contractor for the sending of an inspector to test meters and on the arrival of the inspector he is informed that the meters are not ready and that the testing of the meters must be postponed, or in the event of the testing facilities provided by the contractor being of such a character as to render the testing impracticable, or where no testing facilities have been provided; then the contractor shall be liable for and shall pay the travelling expenses of the inspector.

*Fees due at time of test*

6. The fee established is due and payable in every case when the verification is made, irrespective of the results of the test, and in the event of payment being refused the meter shall be impounded by the inspector until the fee is paid.

*Conditions re seals*

7. A sealed meter shall not be opened except under the conditions specified in the Act and regulations established thereunder and any person who obtains access to the interior of a sealed meter shall be deemed to have broken the seal of that meter and shall be liable for the penalties prescribed by the Act.

*Inspection number*

8. An inspection number shall be placed by the contractor on every meter before submitting the same to the inspector for verification. This number shall be applied on the portion of the meter that carries the maker's serial number, or on some portion of the meter that is satisfactory to the Department.



**Electricity Inspection Act—continued***Preparation for sealing*

9. If the sealing device of a meter requires the use of wire, the contractor shall provide the necessary wire, and shall if required adjust the same in readiness for sealing by the inspector.

## ARTICLE V

## GENERAL CONDITIONS REGARDING TESTING

*Inspection Standards*

1. No instruments other than the inspection standards supplied by the Department shall be used on inspection work. No person other than an inspector shall use inspection standards.

*Testing Conditions*

2. Every meter shall be tested as nearly as possible under the same conditions as to current, voltage, frequency and temperature as those to which it will be subjected when in service.

*Adjustment of incorrect meters*

3. It is not the duty of an inspector to make any adjustments or to repair any meters presented to him for verification.

*Sealing of composite meters*

4. Every meter which requires to be sealed and which contains within the portion sealed more than one device shall have all the devices verified before the meter is sealed.

*Conditions for sealing*

5. No meter shall be sealed unless it complies with all the conditions prescribed hereafter for the classification in which it belongs.

## ARTICLE VI

## INTEGRATING METERS

## PART 1—WATTHOUR METERS

*Definition*

1. A Watthour meter is a device which registers in terms of kilowatt hours the electrical energy consumed in the circuit in which it is installed.

*Accuracy*

2. (a) No alternating current watthour meter shall be sealed which shows an error of registration under all conditions of supply of over 3 per cent at any load between 10 per cent and 125 per cent of rated current for any power factor between 0.5 and 1.0.

**Electricity Inspection Act—continued**

- (b) No direct current watthour meter shall be sealed which shows an error of registration of over 3 per cent at any load between 25 per cent and 100 per cent inclusive of rated current at service voltage.

*Creep*

3. No watthour meter which creeps more than one revolution shall be sealed.

*Dial*

4. No watthour meter shall be sealed which has a defective dial or which registers incorrectly.

*Departmental tests*

5. The details of the tests required to insure that Sections 2, 3 and 4 above are satisfactorily complied with shall be determined, as may be deemed necessary from time to time, by the Department. Specifications of the tests required by the Department shall be published, and copies shall be available on request, and no changes made without reasonable notice.

PART II—VOLT-AMPERE-HOUR METERS AND REACTIVE

VOLT-AMPERE-HOUR METERS

These meters shall comply with the conditions prescribed for watthour meters with the necessary modifications.

PART III—AMPERE-HOUR METERS

*Definition*

1. An ampere-hour meter is one which registers in terms of ampere hours the quantity of electricity which passes through the circuit in which it is installed.

*Accuracy*

2. (a) No alternating current ampere-hour meter shall be sealed which shows an error of registration of over 3 per cent at any rate between 10 per cent and 125 per cent of rated current.  
(b) No direct current ampere-hour meter shall be sealed which shows an error of registration of over 3 per cent at any load between 25 per cent and 100 per cent inclusive of rated current.

*Dial*

3. No ampere-hour meter shall be sealed which has a defective dial or which registers incorrectly.

*Departmental tests*

4. The details of the tests required to insure that Sections 2 and 3 above are satisfactorily complied with shall be determined, as may be deemed necessary from time to time, by the Department. Specifications of the tests required by the Department shall be published, and copies shall be available on request, and no changes made without reasonable notice.

**Electricity Inspection Act—continued**

## ARTICLE VII

## INDICATING INSTRUMENTS

*Definition*

1. This group includes all meters of which the readings are taken from the position of a movable pointer against a fixed scale.

*Accuracy*

2. The error of such meters under all conditions of supply shall not exceed  $2\frac{1}{2}$  per cent of the full scale reading over the whole marked range of the instrument.

*Departmental tests*

3. The details of the tests required to insure that Section 2 above is satisfactorily complied with shall be determined, as may be deemed necessary from time to time, by the Department. Specifications of the tests required by the Department shall be published, and copies shall be available on request, and no changes made without reasonable notice.

## ARTICLE VIII

## RECORDING INSTRUMENTS

*Definition*

1. This group includes all meters in which the indications are recorded by a pen or pencil on a moving chart-roll or disc.

*Accuracy*

2. The error of such meters under all conditions of supply shall not exceed 3 per cent of full scale reading over the whole marked range of the instrument.

*Departmental tests*

3. The details of the tests required to insure that Section 2 above is satisfactorily complied with shall be determined, as may be deemed necessary from time to time, by the Department. Specifications of the tests required by the Department shall be published, and copies shall be available on request, and no changes made without reasonable notice.

## ARTICLE IX

## REGULATIONS REGARDING USE OF UNSEALED METERS

*Test Period*

1. With every meter approved for use unsealed, the Department shall give a ruling as to the test schedule to be followed with that meter.



**Electricity Inspection Act—continued**

*Intermediate checks*

2. (a) If the owner of such meter desires to make more frequent checks and adjustments than are made by the Department, he shall provide for that purpose instruments approved by the National Research Council. These instruments shall be verified and sealed by the Department and the seal shall be valid for a period of not more than six months.
- (b) This reverification shall not be required if the contractor provides reference standards satisfactory to the National Research Council, which standards shall be subject to verification by the Council at its discretion and shall be used for the verification of the contractor's working standards.

*Records to be kept*

3. The complete record of all checkings and adjustments of his unsealed meters shall be accessible to the Department as likewise of any correction made to bills as the result of such checkings.

No adjustment or correction shall be made except according to the procedure herein specified and the Department reserves to itself the right to check any unsealed meters at any time without notice, and if the condition of the meter is not in accordance with the records, the meter may be forfeited.

**2. Schedule of Fees—Verification of Electricity Meters**

P.C. 2668

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 15th day of November, 1915.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL

His Royal Highness the Governor in Council is pleased to order and it is hereby ordered as follows, viz;—

The tariff of fees established for the verification of electricity meters by Order in Council of May 29, 1911, is repealed and the following schedule is established in lieu thereof;—

**SCHEDULE OF FEES**

For meters verified at regular testing places—

Class 1. Ampere hour meters of any type or capacity for use on circuits of any voltage, and two wire watt hour meters of any capacity, for use on circuits not exceeding 250 volts .....	\$0.60
Class 2. Three wire direct current or three wire single phase watt hour meters of any capacity, for use on circuits not exceeding 250 volts between outers, and poly-phase meters of any capacity for circuits with a maximum potential not exceeding 250 volts.....	0.75

**Electricity Inspection Act—concluded**

Class 3. Meters similar to Classes 1 and 2 but for potentials exceeding 250 volts but not exceeding 650 volts.....	1.50
Class 4. Meters similar to Classes 1, 2 and 3, but for potentials exceeding 650 volts and meters when tested with either current or potential transformers or both....	5.00

For meters verified *in situ*—

Meters may at the request of either the purchaser or contractor, be tested *in situ* at an additional fee of..... \$1.00

Meters of any type or capacity which operate from current or potential transformers, or both, when presented without transformers, will be tested at the fee applying to the class to which the meter itself belongs providing the actual volt and ampere range of the meter, as well as that of the complete set, be marked on the name plate.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**2. GAS INSPECTION ACT. (R.S.C., 1927, c. 82)**

1. *Gas Inspection Regulations.*
2. *Schedule of Fees re Verification of Gas Meters.*

**1. The Gas Inspection Regulations**

## OFFICE CONSOLIDATION

*P.C. 2489 of 2nd December 1922*

*as amended by P.C. 156 of 30th January 1923*

These regulations are to be construed as subject in all respects to the provisions of the Act and the several words, terms and expressions to which by the Act meanings are assigned, shall have herein the same respective meanings.

## ARTICLE I

## STANDARDS

*Cubic foot*

1. The only unit of measure for the sale of gas by meter shall be the cubic foot; being the space occupied by 62·321 lbs. of distilled water, weighed in air at a temperature of 62 deg. Fahr., the barometer being at 30 inches.

*Cubic foot of gas*

2. A cubic foot of gas shall be the quantity of moist (saturated) gas contained in a cubic foot when the gas is at a temperature of 60 deg. Fahr. and at a pressure equal to a column of mercury (at a temperature of 60 deg. Fahr.) 30 inches high.

*British Thermal Unit*

3. A British Thermal Unit is the amount of heat required to raise 1 lb. of water from 60 deg. Fahr. to 61 deg. Fahr.

**Gas Inspection Act—continued**

*Pressure*

4. For testing the pressure of manufactured gas, a water gauge shall be used, and the pressure stated as the difference in height (in inches) of the two columns of water.

*Secondary or inspection standards*

5. All instruments and apparatus supplied by the department for gas inspection are secondary or inspection standards, and shall bear the imprint of the department. Such standards only shall be legal, and no others shall be used for inspection work.

ARTICLE II

THE STANDARD OF CALORIFIC POWER

*Standard*

1. The standard for the Calorific Power of manufactured gas supplied by the Contractor at the prescribed testing place shall be 450 British Thermal Units per cubic foot of saturated gas when burned in saturated air.

2. The following provisions shall apply with respect to the testings of calorific power made with the apparatus and at the test places provided in accordance with the requirements of the preceding section:—

- (a) Any inspector of gas appointed under the Act may by means of the apparatus provided as aforesaid test at the prescribed testing place at any reasonable hour the calorific power of the gas supplied at such testing place, but not more than one testing for calorific power shall be made on any one day except in the event mentioned in subsection (e) of this section.
- (b) The Calorimeter shall be so used as to yield the total heat which shall be developed by the complete combustion in moist (saturated) air of moist (saturated) gas and the products of combustion shall leave the calorimeter at approximately the temperature of the inlet water.
- (c) Subject to the provisions of the next preceding subsection, the testing shall be made in the manner and under the conditions for the time being prescribed by the Minister.
- (d) The result obtained by means of such testing shall be expressed in terms of British Thermal Units per cubic foot of gas.
- (e) In the event of the calorific power, on any testing, being found to be below the standard calorific power a second testing shall be made on the same day at the expiration of one hour, and the average of the two testings shall be the calorific power of the gas on that day.
- (f) Any party may, at any reasonable time, after depositing the fee, demand a test of the calorific power of the gas supply. In the event of the calorific power determined by the test being below the standard the cost of the test shall be paid by the contractor; if at or above the standard, by the party demanding the test.



**Gas Inspection Act—continued**

- (g) The Inspector shall, not later than the day following that on which any testing has been made under this section, make and cause to be delivered to the contractor a report of the results of his testing, and such report shall be received as *prima facie* evidence of the facts therein contained.

*Penalties for deficiency*

3. If on any day the calorific power of the gas tested in accordance with the provisions of these regulations is below the standard calorific power prescribed, the contractor shall be liable to the penalties established by the Act, provided that the Contractor shall not be liable for more than one penalty in respect of a deficiency of calorific power of the gas at any testing place on any one day.

*Classification*

4. Gas Companies shall be classified in accordance with the number of meters they have in use, and the frequency of calorific power tests shall be according to said classification, all as per the following table, namely:

<i>No. of Meters in use</i>	<i>Class of Company</i>	<i>Number of tests to be made</i>
Over 10,000	1	25 per month
5,001 to 10,000	2	12 " "
2,001 to 5,000	3	8 " "
1,001 to 2,000	4	4 " "
1,000 or under	5	2 " "

## ARTICLE III

## SUBMISSION OF METERS FOR APPROVAL

*Specimen Meter*

1. A specimen meter shall be submitted to the department free of charge, which specimen meter will be returned by the department on completion of examination and testing.

*Specification*

2. The specimen shall be accompanied by a typewritten or printed specification describing with reference to drawings or diagrams the construction and action of the meter.

*Drawings*

3. The drawings and diagrams must be on sheets 13 inches long and 8 inches wide (i.e. foolscap size.) The reference figures and letters must be bold and distinct.

*Sizes of meters*

4. A full list shall be given of all sizes (capacities) of meters of the type submitted, and the specification shall include a full description of any variations of construction or action of any size from the specimen submitted. If, subsequently, any additional size is introduced by the manufacturer, notice should be sent to the department before supplying any such meters.

**Gas Inspection Act—continued**

*Examination*

5. The meter shall be submitted to such tests, and shall be kept under observation for such time, as may be deemed necessary; and under such conditions as the department may from time to time determine.

*Application of approval*

6. The department's approval of any particular type of meter is only applicable to meters in precise accord with the specimen and with the specifications and drawings relating thereto.

*Alterations to approved meters*

7. When an alteration is proposed to be made in the construction of an approved meter, amended specifications and drawings must be submitted to the department who shall decide whether the alteration may be accepted as an immaterial alteration, and hence included within the department's approval, or whether further experimental testing is required. When an alteration is considered by the department to be a material one, it will be necessary to submit a specimen of the altered meter for approval.

ARTICLE IV

REQUIREMENTS FOR GAS METERS

*Construction*

1. The construction of the meter shall be mechanically sound and suitable for the purpose.

*Markings*

2. Every meter shall have the maker's name, serial number, type designation, the rated capacity of the meter in cubic feet per hour and the capacity in cubic feet per revolution indelibly marked on a name plate permanently attached to the meter, also space for the Contractor's number.

*Test dial*

3. Every meter shall be equipped with a register having a test dial, the indicator of which shall be so pointed that the reading can be made without difficulty to an accuracy of within 0·5 per cent.

*Rated capacity*

4. The rated capacity shall be the quantity of gas in cubic feet per hour which the meter will pass with a drop of one half of an inch of pressure between inlet and outlet, the inlet pressure being 2 inches, and the rated capacity shall not vary more than 10 per cent from the marked capacity.

*Leakage*

5. When a pressure of 9 inches is applied the meter shall not leak.

*Minimum running load*

6. The meter shall register steadily and continuously when passing not more than 2 per cent of its rated capacity.

**Gas Inspection Act—continued***Accuracy*

7. The meter must not show an error greater than 2 per cent fast or 3 per cent slow:

- (a) When passing 20 per cent of its rated capacity at 1 inch pressure at inlet of meter.
- (b) When passing 75 per cent of its rated capacity at  $\frac{1}{2}$  inch pressure, at inlet of meter.
- (c) When passing 75 per cent of its rated capacity at 2 inches pressure, at inlet of meter.
- (d) When passing 150 per cent of its rated capacity at 2 inches pressure at inlet of meter.

*Sealing arrangements*

8. Provision shall be made for prevention of access to the interior of the meter by means of a seal to be affixed by the inspector. This can be effected best by soldering the seal ring on the inside both to the top and to the case of the meter.

## ARTICLE V

## RIGHTS AND LIABILITIES OF CONTRACTORS

*Testing on contractor's premises*

1. If the contractor will place at the disposal of the inspector a well lighted and heated room with facilities for the locking up by the inspector of the gas prover in a place free from dust and dirt, so that no one can obtain access to it during his absence, and will provide water and gas supply and a system of drainage for the prover, the inspector may test the meters on the contractor's premises.

*Right to be present at tests*

2. The contractor and the purchaser shall have the right to be present at the making of all tests of disputed meters, but shall in no wise interfere with the inspector in the carrying out of such tests.

*Travelling fees charge to contractor*

3. In the event of arrangements being made for the sending of an inspector to test meters, and on the arrival of the inspector he is informed by the Contractor that the meters are not ready and that the testing of the meters must be postponed, or in the event of the testing facilities provided by the Contractor being of such a character as to render the testing impossible, or where no testing facilities have been provided, then the contractor shall be liable for and shall pay the travelling expenses of the inspector.

*Collection of fees*

4. The fees established are due and payable in every case when the verification is made, irrespective of the results of the test; and in the event of payment being refused, the meter shall be impounded by the inspector until the fees are paid.



**Gas Inspection Act—continued**

*Opening of sealed meters*

5. A sealed meter shall not be opened except under the conditions specified in the Gas Inspection Act and Regulations thereunder, and any person who obtains access to the interior of a sealed meter shall be deemed to have broken the seal of that meter.

6. An inspection number shall be placed by the Contractor upon the front of every meter before submitting the same to the Inspector for verification. This number shall be of a substantial character and so fixed to the case that it cannot be easily removed.

**2. Schedule of Fees—Verification of Gas Meters**

P.C. 1387

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 11th day of June, 1937.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS by paragraphs 1 and 2 of section 11 of the Gas Inspection Act, chapter 82, R.S., 1927, it is provided that,—

- (1) "All fees connected with the testing of gas and gas meters shall be determined from time to time by the Governor in Council and published in the *Canada Gazette*.
- (2) Such fees shall be regulated so that they will, as nearly as may be, meet the cost of carrying this Act into effect and all fees received under this Act shall be accounted for and paid to the Minister of Finance at such times and in such manner as the Minister of Finance directs."

AND WHEREAS a Schedule of Fees for the verification of gas meters was established by Order in Council P.C. 727, dated 13th of May, 1925;

AND WHEREAS the Minister of Trade and Commerce reports that the revenue collected by virtue of this Schedule of Fees has provided a substantial surplus for a number of years past. And that in order to more nearly comply with the provisions of the Act above referred to a new Schedule of Fees for the verification of gas meters has been prepared.

Now, THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and under the authority above cited is pleased to order as follows:—

The Schedule of Fees established by Order in Council P.C. 727, dated 13th of May, 1925, is hereby repealed and the following Schedule of Fees is hereby made, established and substituted in lieu thereof to take effect July 1, 1937:

**SCHEDULE OF FEES**

Fees for the verification of Gas Meters:		
<i>Class</i>	<i>Capacity in cubic feet per hour at <math>\frac{1}{2}</math> inch differential</i>	<i>Fee</i>
1	0 to 1000	\$ 0.60
2	1001 to 2000	1.00
3	2001 to 3000	2.00

**Gas Inspection Act—concluded**

For every additional 1,000 cubic feet or part thereof .....	1.00
Fees for the verification of Proportional Meters:	
Each Proportional Meter, the owner in addition to pay freight charges on testing apparatus and the travelling expenses of the Inspector and to make the necessary connections .....	10.00
Fees for the testing of Calorific Power:	
Each Test of Calorific Power, regular or special.....	2.50
Fees for the testing of Purity:	
Each Test for Sulphuretted Hydrogen made on request	1.00

N. A. ROBERTSON,  
Clerk of the Privy Council.

**3. NATIONAL BATTLEFIELDS AT QUEBEC. (1908, c. 57)****By-law Respecting the Park**

*Office consolidation of the By-laws of the National Battlefields Commission respecting the Park, in effect on December 31, 1949. (Approved by Orders in Council P.C. 536 of 10th March, 1915, P.C. 2471 of 11th October, 1916 and P.C. 2248 of 13th November, 1923).*

By virtue of the powers conferred upon it by the Statutes of Canada:—7 and 8 Edward VII, chaps. 57 and 58; 9 and 10 Edward VII, chap. 42; 1 and 2 George V, chap. 5, and 4 and 5 George V, chap. 46,—the National Battlefields Commission ordains and enacts as follows, to wit:

**1. It is forbidden:**

- (a) To spoil, break, damage or remove in any way whatever any part of the fences, kiosks or pavilions, greenhouses, benches, seats, lamps, lamp posts, lighting apparatus, trees, shrubs, plants of any kind, grass plots or flowers in the said park;
- (b) To walk on the grass plots in the said park;
- (c) To lie down on the grass or in the paths or on the benches;
- (d) To foul, soil or muddy the waters in the said park;
- (e) To play ball, lacrosse, football or other games or exercises in the said park, except in the parts thereof that may be reserved for such purpose by the Commission and under such regulations as the Commission may direct;
- (f) To play at games of chance or to have any instrument or thing used for the playing of such games, in the said park;
- (g) To preach sermons or to make political or other speeches or harangues in the said park;
- (h) To organize or set in motion there any civic or other parade, military exercise or procession or to play musical instrument whatever, without the written permission of the National Battlefields Commission;
- (i) To climb the trees or the fences or to stand up on the benches and seats;
- (j) To molest or hurt the birds in the said park;

**National Battlefields at Quebec—continued**

- (k) To offer or expose for sale newspapers, merchandise or provisions in the said park;
  - (l) To bring into or to sell, to give or to have in the said park alcoholic or intoxicating liquors or drinks;
  - (m) To put up in the said park any placard flag, banner, advertisement or notice of any nature whatsoever, save and except the flags, placards or notices which the National Battlefields Commission may deem it advisable to put up or place therein;
  - (n) To fight, be intoxicated or to insult in any way whatever the people in the said park;
  - (o) To wear therein any mask or disguise, to expose indecent objects or to indecently expose the person;
  - (p) To fire or throw stones or other projectiles;
  - (q) To carry offensive weapons or firearms;
  - (r) To create a noise or a tumult, to shout or to sing;
  - (s) To explode fire crackers or set off rockets or other fireworks in the said park, without the Commission's express permission in writing;
  - (t) To throw or deposit in the said park any dead animal, carcass or dirty or foul smelling thing;
  - (u) To throw or deposit any paper, glass or other refuse except in the receptacles intended for the same;
  - (v) To pile or deposit snow, ashes, garbage, or materials of any nature within the limits of the said park;
  - (w) To make a fire in said park for any purpose whatsoever;
  - (x) To displace or remove, write on or mark stones, stakes, fences, buildings or other appurtenances.
2. (a) It is forbidden to drive any animal, vehicle or automobile elsewhere than on the roads intended for that purpose in the said park;
- (b) Horse races are prohibited. No person shall drive a horse or any vehicle whatever at excessive speed. For automobiles and motor cycles the rate of speed must not exceed fifteen (15) miles an hour;
  - (c) The circulation in the park of trucks, drays or other waggons intended for the transportation of wares or merchandise, is forbidden, but these vehicles may have access to the buildings in the park, only however, by the shortest road and conformably to the instructions of the guardians;
  - (d) Drivers of vehicles of all kinds, or of horses must comply with the requirements of the notices posted up in the park with respect to the traffic and obey the orders of the guardians to the same effect;
  - (e) The operator or chauffeur of any motor vehicle shall not make use of any acetylene, electric or other headlight in the park, unless so lowered as not to dazzle or blind any other driver either of a motor vehicle or the operator of any motor vehicle or any pedestrian on the streets or avenues of the said park, or make it in any way unsafe or difficult for any such driver, operator or pedestrian to ride, drive or walk in the said park and every such operator or chauffeur shall immediately comply with such directions as may be given to him in this regard by any Superintendent, Guardian or Police Officer on duty in the said park.



**National Battlefields at Quebec—concluded**

- (f) All driving must be on the right side of the roadway, but a carriage passing another in the same direction must pass on the left;
  - (g) To allow within the precincts of the park any motor vehicle, automobile, autobus, observation car or vehicle of a similar class, that is to say any vehicle capable of carrying more than seven persons, including the chauffeur, unless such vehicle is provided with pneumatic tires; the speed of such vehicles within the limits of the park must not exceed ten (10) miles an hour;
  - (h) The Commission may at any time forbid or interrupt the circulation in the said park;
  - (i) No dog is permitted to be at large within the park. Owners or custodians of any dog trespassing in the park will be held responsible for such trespass. Neither cattle, horses nor swine nor any other grazing animal will be permitted to roam or graze on the grounds or along the roads. Loose animals will be impounded, and released only on the payment of a suitable fine.
3. Any person remaining in the park after eleven p.m. must depart when ordered to that effect by a guardian.
4. Every person must comply with the orders of the Superintendent, guardians or police officers on duty in the said park.
5. Every violation of the provisions of these by-laws, except in so far as another penalty is therefore by law provided, shall be punishable, on summary conviction, by a fine not exceeding \$50.00 and costs or imprisonment for a term not exceeding sixty days or by both fine and imprisonment.

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**Yellowknife District, N.W.T.**

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**Youth Training Act 4190 (4)****Yukon Act**

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**Yukon Placer Mining Act**

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**Yukon Territory**

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  - licences of occupation, reserved areas (P.C. 2569) 749 (1)
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- Fisheries Act
  - Special Fishery Regulations (P.C. 3923) 1681 (2)

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- Land Titles Act
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  - Mining districts established 4192 (4)
  - representation work, schedule of 4195 (4)
- Yukon Quartz Mining Act 4198 (4)
- Yukon Quartz Mining Act 4198 (4)**

**Errata:**

**Volume I**

- Air Regulations
  - page 36—sec. 18(b) second line should read:
    - "seconds, each showing, on bursting, white lights or stars"
  - page 37—sec. 27 second paragraph, last line should read:
    - "overtaken aircraft until it is . . ."
  - page 50—heading should read:
    - "4. The Flying of Aircraft prohibited in the Vicinity of Chalk River, Ontario".
  - page 511—heading to item No. 45 should read:
    - "45. Consolidated Departmental Regulations governing Aircraft imported for Pleasure Purposes".
  - page 562—third last line should read:
    - "Certificates of origin "B" on . . ."

**Volume II**

- page 1023
  - "Electricity Inspection Act (R.S.C. 1927 c. 55)" should read:
    - "Electricity Inspection Act 1928 (1928, c. 22)".
- page 1968
  - section 8(1)—table should read:
 

"Clairgeau]	
Duchess }	2½" up
etc. . .]	
<i>minimum size</i> 2¼"	
- page 1102
  - last line of section 107 delete the word "beaker".
- page 1364
  - Heading to regulations should read:
    - "Canadian Farm Loan Board (General) Regulations".
- page 1383
  - Appendix to Rules, Regulations and Forms under The Farmers' Creditors Arrangement Act—
    - Form A.—insert numeral "3" in front of question commencing "Did you make a proposal under . . ."

**Volume III**

- page 2642
  - Third line of Schedule
    - semi-colon after "2nd Meridian"
- page 2953 (P.C. 5588)
  - end of third line, comma after "1930"
- page 3011—
  - Title of 4th item should read:
    - "4. Financial Regulations for the Royal Canadian Sea Cadet Corps".
- page 3179—
  - date "10th March, 1948" should be to the right side of page in line with signature.
- page 3179—
  - "Potato Warehouses" (P.C. 4368) delete words in italics, commencing:
    - "Certified to be a true copy . . ."
- page 3201—second last line—"The Prize Court Rules".

**Volume IV**

- footnotes at pages 3526, 3527 and 3528, last line should read:
  - " . . . (see par. 12(g) page 36 and page 35 of Report)".
- page 4191—
  - Tariff of fees, etc.
    - "1. Jurors"—second line of (a) should read:
      - " . . . criminal proceedings or"
  - Regulations respecting the medical treatment and care of veterans and ancillary benefits.
- page 4047
  - Class 6—13th and 14th lines should read:
    - "a former member of the forces or other person who is a recipient of war veterans" allowance other than as a widow or an orphan; and in any case . . ."
- The Veterans Rehabilitation Order
  - page 4114, sec. 17 s.s. (3) the fourth line should read:
    - "ing would not result in reasonable re-establishment owing to advanced"

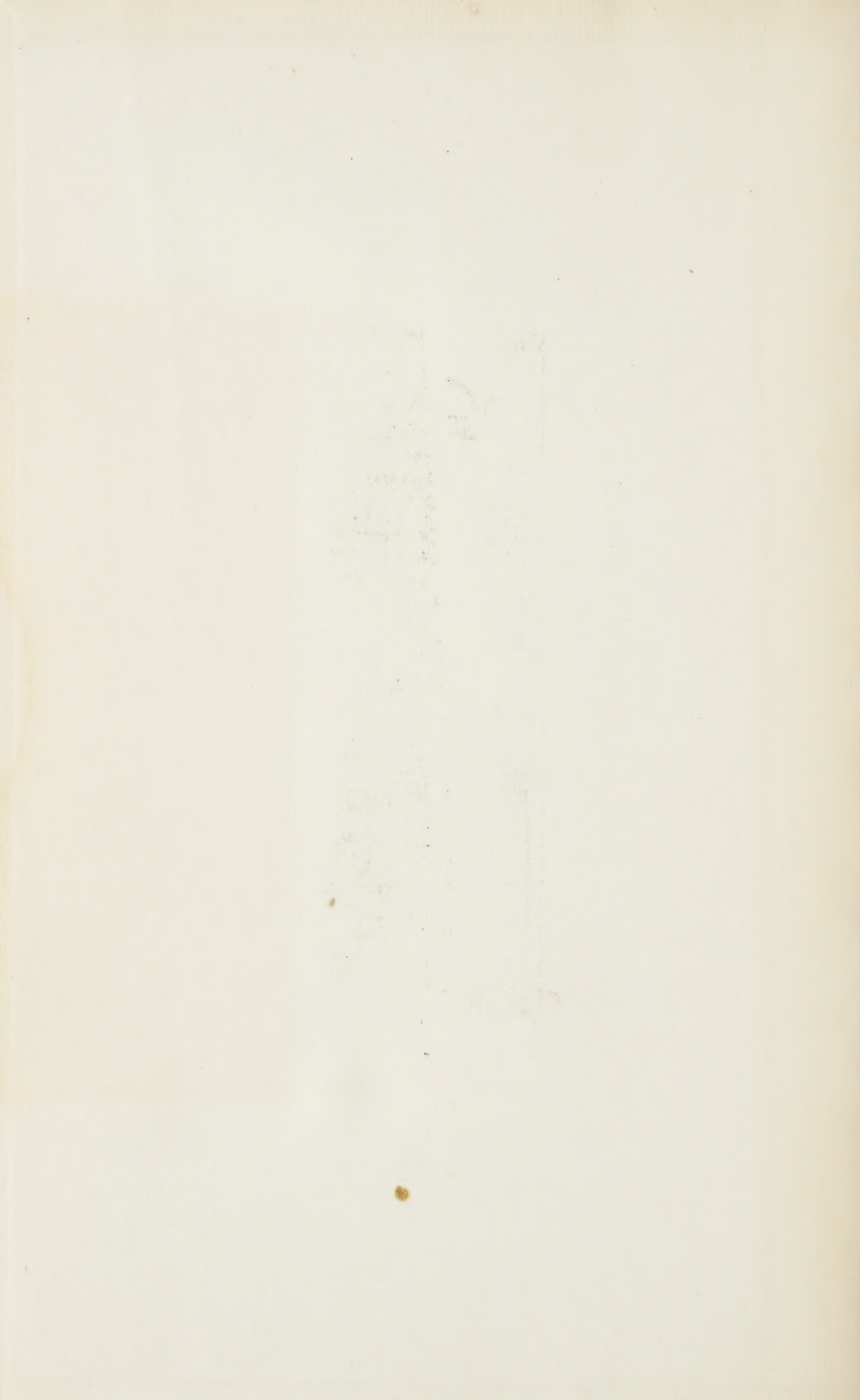
**Volume V**

- page 4476
  - "11. Turbot Fishery Regulations", section 2 delete: "(1)".









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